

**Sandlin, Betsy**  
**Page 1 of 1**

From: BeGrace [begrace@mindspring.com]  
Sent: Wednesday, September 24, 2003 5:27 PM  
To: Pell, Jerry  
Subject: power lines

RE: Tucson Electric Power Sahuarita-Nogales Transmission line DEIS

Why is the electric line recommended at 345 kV, and not a smaller line?

1 Why wasn't a smaller powerline, e.g. 115 kV, considered?  
A 115 kV line is cheaper, can be buried safely near homes, and would serve the needs of Santa Cruz County.

2 I do not support any of the proposed routes, which, as currently conceived, are an economic and environmental burden on Southern Arizona. Please withdraw the Draft Environmental Impact Statement and develop instead an acceptable solution to power needs in Santa Cruz County,

1 perhaps a smaller powerline and/or a locally run power  
cont. plant.

Thank you for your consideration,

Betsy Sandlin

#### **Comment No. 1**

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore, is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

#### **Comment No. 2**

The Federal agencies note the commentor's opposition to all proposed corridors.

**Santello, Barton E.**

**Page 1 of 7**

Barton E. Santello  
14560 West Jalisco Road  
P.O. Box 778  
Arivaca, AZ 85601

**PUBLIC COMMENT**

On

Tucson Electric Power Company  
Sahuarita-Nogales Transmission Line  
Draft Environmental Impact Statement (DEIS)

**Summary Report**

Dated July 2003  
DOE/EIS - 0336

Presented to

U.S. Department of Energy  
Office of Coal and Power Import & Export  
Fossil Energy, FE-27  
Washington, DC 20585-0000; USA

U.S. Department of Agriculture Forest Service  
Coronado National Forest  
300 W. Congress  
Tucson, AZ 85701

U.S. Department of the Interior  
Bureau of Land Management  
222 N. Central Ave  
Phoenix, AZ 85004-2203

U.S. Section of the International Boundary and Water Commission

Presented on

**September 26, 2003**

At the

County Board Hearing Room  
Santa Cruz County Office Building  
2150 N. Congress Drive  
Nogales, Arizona 85621.

**Santello, Barton E.**  
**Page 2 of 7**

**Comment Nos. 1 – 10**

Refer to the responses to Barton Santello in the public hearing transcript from Nogales, Arizona, September 26, 2003, 5 p.m. to 7 p.m., for each respective comment.

Barton E. Santello

Public Comment (DOE/EIS – 0336)

26 September 2003

REQUEST:

1 I respectfully request that the Department of Energy (DOE) extend the public comment period 30 days beyond the 14 October 2003 deadline (per 68 FR 51570 Dated: 26 August 2003), in order for the public to adequately address the magnitude of the subject DEIS.

GENERAL STATEMENT:

2 As a private citizen from Arivaca, AZ in the effected area of Tucson Electric Power Company's (TEP) Proposed Sahuarita-Nogales Transmission Line, I urge all the cooperating U.S. Government agencies to decide the "No Action" alternative, following the submittal of the final Environmental Impact Statement (EIS) in 2004.

3 The applicant's original state mandate from the Arizona Corporation Commission's (ACC), as discussed on page S-10, of the Summary DEIS, requires only a 115-kV line be constructed. TEP's expanded scope to include a 345-kV line across the international boundary, is a corporate decision based on the economics of electrical transmission and not one in the public's interest. The final EIS should also make clear for the record, what this proposal is not: This proposal by TEP is not the result of a federal directive to improve, expand or secure the nation's electrical transmission infrastructure; and this project is not national security related. Nogales is an 'end-node' in the nation's electrical grid system and a 115 kV line, as mandated by the ACC would suffice, in providing sufficient and reliable electrical power to the greater Nogales area.

4 The cooperating agencies will find, based on a review of the Final EIS, that TEP's 345 kV transmission line proposal exceeds mandated improvements to electrical reliability; imposes significant environmental hardship on the biologically rich and visually attractive Coronado Nation Forest and that TEP's "Purpose and Need" is self-serving. Thus this proposal is not in the public interest, or, national interest. The EIS must contain all the essential information and facts in its final form. I believe a quality final version of the EIS, that includes all relevant public comment, will reveal the damaging aspects of this proposal and that reasonable alternatives exist to the proposed lines. A "No Action" decision by the cooperating agencies, would allow TEP to pursue other electric generation and distribution projects that are truly in the public interest; that would protect the environment and create new sustainable business opportunities for TEP.

5

**Santello, Barton E.**  
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Barton E. Santello

Public Comment (DOE/EIS – 0336)

26 September 2003

- 6 BACKGROUND: I would like to speak today primarily about the consideration of "Cumulative Effects" under the National Environmental Policy Act (NEPA) And how the current draft of the said DEIS may not adequately address or be consistent with procedural provisions of NEPA with respect to Cumulative Effects. Pages S-14 and S-15 of the referenced Summary DEIS, discuss issues that are considered out-of-scope of the EIS. I contend that some of these issues are not out-of-scope, and further argue that these matters addressed by the public in past scoping meetings, may be actually be critical issues that would assist the DOE is properly meeting the intent of NEPA. The local community is intimately familiar environment and needs of this area and thus we are a good source of ideas and alternatives to this proposal to create a win-win solution for everyone.

Let us look at some of the laws and policy that make up the framework of the EIS process and will need further consideration in the final version of the EIS:

The Council of Environmental Quality's (CEQ) regulations (40 CFR 1500-1508) implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 USC 4321 *et seq*) define Cumulative Impact as:

*"...the impact on the environment which results from incremental impact of the action when added to the past, present and reasonably foreseeable future actions, regardless of what agency (Federal or non-federal) or person under takes such other actions. Cumulative Impacts can result from individually minor but collectively significant actions taking place over time (40 CFR 1508.7)"*

The Council of Environmental Quality codifies Cumulative effects in relation to the EIS process by saying:

*"Only by reevaluating and modifying alternatives in light of the projected cumulative effects can adverse consequences be effectively avoided and minimized."*

Indirect Effects under NEPA Paragraph 1508.8(b) are defined as follows:

*"...Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems."*

Given this framework, contentious out-of-scope issues can be discussed further.

**Santello, Barton E.**  
**Page 4 of 7**

Barton E. Santello

Public Comment (DOE/EIS – 0336)

26 September 2003

DISCUSSION: (On Issues out of Scope of the EIS – Page S-15, Summary DEIS)

- 1) Issue: Mexico may build power plants resulting in the sale of electricity to the United States.

DEIS Comment: "...The DOE is not aware of any proposals by Mexico to build power plants and to sell electricity to the United States in the area covered by this EIS. Thus, DOE considers this assertion to be speculative."

- 8 Public Comment: InterGen and Semptra Energy each have a new power plant in Mexicali, Mexico. The United States, Canada, Europe and Japan have upwards of 20 power plants in planning and/or development in northern Mexico. For this DEIS to suggest that the climate for construction of new power plants in Mexico is speculative is misleading. The DOE's own website has information web-page heading called "Facilitating U.S. Trade in Electricity" that States: *"U.S. trade in electric energy with Canada and Mexico is rising, bringing economic and reliability benefits to the United States and its trading partners. Within the Office of Fossil Energy's Coal & Power organization, an electricity import/export team is responsible for authorizing the export of electric energy and the issuance of permits for the construction, connection, operation, and/or maintenance of electric transmission facilities at the international border."*

The current administration is aggressively backing exporting electricity to Mexico and US electric utility companies are beginning to buy stakeholding positions in Mexican power plants in order to capitalize on future import/export of electricity. I will be submitting additional details of power plant planning and development in my report to the DOE by the deadline of the public comment period on this DEIS.

These new power plants will be major sources of air pollution impacting the United States and effecting health and the clean air many of us have moved to southern Arizona to enjoy.

- 2) Issue: The public discussed alternatives that included TEP or another entities building a power plant in Nogales.

DEIS Comment: "...These suggested alternatives would not fulfill TEP's purpose and need, and therefore not within the scope of this EIS."

- 9 Public Comment: The DOE's own Federal Register Notice FR 01-17224, 66 FR 35952 dated Tuesday July 10, 2001 states that *"The EIS will consider alternatives to the proposed transmission lines including to the extent practicable, including construction of a powerplant closer to the US-Mexico border with a transmission line extending to the border, as an alternative concept to supplying electrical power to the target region."*

This July 10, 2001 statement is in conflict with the DOE's rejection of this consideration in the subject DEIS. Further, the DOE states that the alternative power plant does not fulfill TEP's purpose and need. This statement is in conflict with page S-11 of the subject DEIS where it is stated that the DOE's mission in undertaking the EIS process is to determine whether the proposed action is in the public interest – not TEP's interest. Therefore, the EIS must be rewritten to address reasonable alternatives as published in the said Federal Register notice.



**Santello, Barton E.**  
**Page 5 of 7**

Barton E. Santello

Public Comment (DOE/EIS – 0336)

26 September 2003

3) Issue: The impact of Public Service of New Mexico's (PNM) proposed transmission line project.

DEIS Comment: "...The consideration of impacts from the PNM proposal in this EIS is limited to potential cumulative impacts because TEP and PNM proposals are at different stages of decision making."

Public Comment: Regardless whether PNM's proposed project is a separate EIS, it is reasonable to assume that PNM's will move forward and such a project will have a compounding damaging effect on the environment, people and it is plausible that PNM and TEP line someday could run parallel to each other into Mexico.

10 Why should this not be considered? Page S-14 of said Summary DEIS provided verbiage of CEQ guidance of Cumulative Effects by stating: "...cumulative impacts have been address in this EIS to the extent that future projects are 1) reasonably foreseeable, 2) the potential resource area impacts overlap, and 3) inclusion of the potential future projects would not be arbitrary."

"Arbitrary" as defined by the Random House Dictionary as: *Subject to individual judgment*" Is the subject DEIS being "arbitrary" by leaving out PNM's proposal under cumulative effects analysis when it meets all the CEQ guidance requirements in the aforementioned paragraph on Cumulative Effects?

The DOE's own website states on the matter of PNM: "*Public Service Company of New Mexico (PNM) is proposing to build power line(s) originating at the switchyard of the Palo Verde Nuclear Generating Station 30 miles west of Phoenix, Arizona, and extend south approximately 160 miles, crossing the U.S.-Mexico border in the vicinity of Nogales, Arizona.*"

#### SUMMARY

The purpose of TEP applying for the Presidential permit is to connect to the Mexican electrical system. Per page S-11 of the Summary DEIS, the purpose and need for DOE action is to determine whether it is in the public interest to grant or deny a Presidential Permit; and that the DOE must comply with NEPA (environmental assessment); and that includes Cumulative Effects Analysis.

8 cont. Since TEP's lines are going to connect into the Mexican power grid, the public should be allowed to create a reasonable framework for speculation on the future effects and impact of the 345-kV transmission line and have those assumptions included in the EIS.

7 cont. The DOE is in effect, allowing TEP to propose to build these transmission lines and speculate on selling energy to Mexico, when no contracts (that the public is aware of) exist. Further, the Mexican government has not even committed to any level of participation to this international interconnect concept. If the DOE does not allow the public (for whose interest the DOE is working), to provide reasonable input with regards to Cumulative Effects Analysis under NEPA, then the DOE must vote "No Action" in order not to support corporate speculation.

11 Should TEP provide power to Mexico as they propose, it would necessitate using resources (fuel, water, air emissions) from the United States, in order supply a foreign country with power. Thus, a corporation will profit from the use of US natural resources and impact our air quality. One corporation should not profit against the will of the people at the expense of the environment (which in this case includes our Coronado National Forest). If we look at the biggest companies from the industrial era, most have made their fortunes off America's natural resources. Whether it was land grants to the railroads; mining claims on government owned land, or oil drilling in environmentally-sensitive areas.

#### Comment No. 11

Chapter 3 describes the affected environment of the area by resource area, and Chapter 4 evaluates the potential impacts of the proposed project on each of these resources.

Analysis of governmental policies and potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

**Santello, Barton E.**  
**Page 6 of 7**

Barton E. Santello

Public Comment (DOE/EIS - 0336)

26 September 2003

11  
cont.

This process continues today, and is demonstrated in the fact that TEP can propose transmission line routes all over the map and then it becomes the annoying and unfair burden of the American citizen, to repeal or modify these damaging proposals. Industry access to America's natural resources - is treated by corporations - more like a 'right' than a 'Privilege'. This is because industry, over the years, has guided the pen of government legislation. The result is a pro-industry maze of laws, designed to wear-down the American citizen who tries to understand these laws, make changes and defend private property and public lands. Legislation currently in Congress, contains wording that may restrict or remove public participation on these issues.

12

The DOE, US Forest Service, and Bureau of Land Management's decision should be evident and clear: And that is to vote "No-Action" and reject the "Western Route." The reason is simple: There are many other economically viable alternatives to provide backup power to Nogales and other more environmentally-friendly energy alternatives available. With regards to transmission lines into Mexico, TEP (a publicly-traded company) should not expect its rate-payers to finance high-risk explorations into foreign energy markets and profit at the expense of the public's Coronado National Forest.

Thank you for the opportunity to contribute to this EIS today.

## Comment No. 12

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

After a regulated utility such as TEP constructs a project in Arizona, the ACC determines whether, or to what degree, an investment by a utility is recoverable through retail (consumer) electricity rates. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

Santello, Barton E.  
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Apache Pass - Coronado National  
Forest  
JAN 1, 2003

Barton Santello

Santello, Barton E.  
Page 1 of 117

Barton E. Santello  
14560 West Jalisco Road  
P.O. Box 778  
Arivaca, AZ 85601

## PUBLIC COMMENT

On

Tucson Electric Power Company  
Sahuarita-Nogales Transmission Line  
Draft Environmental Impact Statement (DEIS)  
Summary Report  
Dated July 2003  
DOE/EIS - 0336

Presented to

U.S. Department of Energy  
Office of Coal and Power Import & Export  
Fossil Energy, FE-27  
Washington, DC 20585-0000; USA

U.S. Department of Agriculture Forest Service  
Coronado National Forest  
300 W. Congress  
Tucson, AZ 85701

U.S. Department of the Interior  
Bureau of Land Management  
222 N. Central Ave  
Phoenix, AZ 85004-2203

U.S. Section of the International Boundary and Water Commission

Postmarked on

October 13, 2003  
Phoenix, Arizona

Santello, Barton E.  
Page 2 of 117

Barton E. Santello  
15460 West Jalisco Road  
P.O. Box 778, Arivaca, AZ 85601  
480-620-5386, BSantello@cox.net

October 12, 2003

Dr. Jerry Pell  
U.S. Department of Energy  
Office of Coal and Power Import & Export  
Fossil Energy, FE-27  
1000 Independence Avenue, S.W.  
Washington, DC 20585-0350

RE: Public comment on Tucson Electric Power Company, Sahuarita-Nogales Transmission Line  
Draft Environmental Impact Statement (DEIS), Dated July 2003, DOE/EIS - 0336

Dear Dr. Pell:

Please find attached my public comments on the Draft EIS for the above-referenced Transmission line proposal, to be considered in the final Environmental Impact Statement, as requested by the DOE under Federal Register Notice "68 FR 51570" dated: 26 August 2003

- 1 As a private citizen from Arivaca, AZ in the effected area of Tucson Electric Power Company's (TEP) Proposed Sahuarita-Nogales Transmission Line, I urge all the cooperating U.S. Government agencies to decide the "No Action" alternative, following the submittal of the final Environmental Impact Statement (EIS) in 2004.
- 2 The applicant's original state mandate from the Arizona Corporation Commission's (ACC), as discussed on page S-10, of the Summary DEIS, requires only a 115-kV line be constructed. TEP's expanded scope to include a 345-kV line through a national forest and across the international boundary, is a corporate decision based on the economics of electrical transmission and not one in the public's interest. Nogales is an 'end-node' in the nations electrical grid system and a 115 kV line, as mandated by the ACC would suffice, in providing sufficient and reliable electrical power to the greater Nogales area.
- 3 The cooperating agencies will find, based on a review of the Final EIS, that TEP's 345 kV transmission line proposal exceeds mandated improvements to electrical reliability, imposes significant environmental hardship on the biologically rich and visually attractive Coronado Nation Forest and that TEP's "Purpose and Need" is self-serving. The EIS must contain all the essential information and facts in its final form. I believe a quality final version of the EIS, that includes all relevant public comment, will reveal the damaging aspects of this proposal and that reasonable alternatives exist to the proposed lines.
- 2 Furthermore, the final EIS should also make clear for the record, what this proposal is not: This proposal by TEP is not the result of a federal directive to improve, expand or secure the nation's electrical transmission infrastructure.

Sincerely,

Barton Santello  
Arivaca, AZ

### Comment No. 1

Refer to the response to Comment No. 2 from Barton Santello in the public hearing transcript from Nogales, Arizona, September 26, 2003, 5 p.m. to 7 p.m.

### Comment No. 2

Refer to the response to Comment No. 3 from Barton Santello in the public hearing transcript from Nogales, Arizona, September 26, 2003, 5 p.m. to 7 p.m.

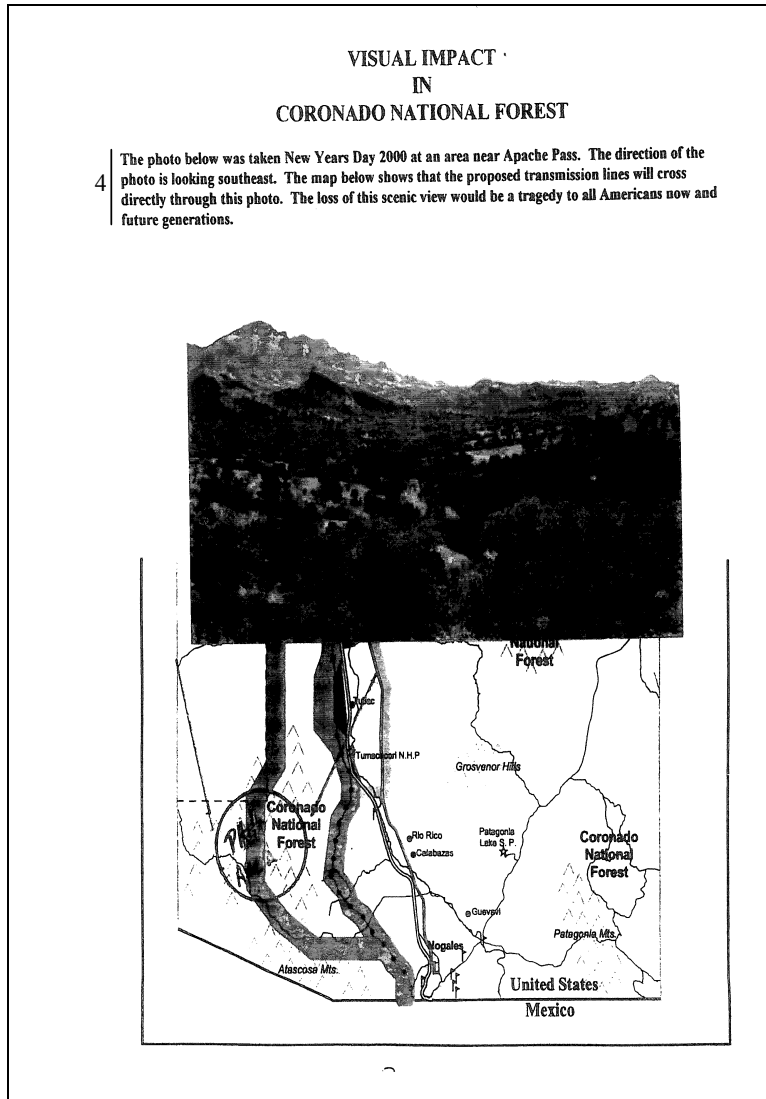
### Comment No. 3

Refer to the response to Comment No. 4 from Barton Santello in the public hearing transcript from Nogales, Arizona, September 26, 2003, 5 p.m. to 7 p.m.

Santello, Barton E.  
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**Comment No. 4**

Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project. The photo provided by the commentor is in the same general area as Visual Simulation 6 of the proposed project in the EIS.



**Santello, Barton E.**  
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Barton E. Santello

Public Comment (DOE/EIS - 0336)

- 5 BACKGROUND: I would like the DOE to consider in more detail "Cumulative Effects" under the National Environmental Policy Act (NEPA). The current draft of the said DEIS may not adequately address or be consistent with procedural provisions of NEPA with respect to Cumulative Effects. Pages S-14 and S-15 of the referenced Summary DEIS, discuss issues that are considered out-of-scope of the EIS. I contend that some of these issues are not out-of-scope, and further argue that these matters addressed by the public in past scoping meetings, may be actually be critical issues that would assist the DOE is properly meeting the intent of NEPA. The local community is intimately familiar environment and needs of this area and thus we are a good source of ideas and alternatives to this proposal to create a win-win solution for everyone.
- 6

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Given this framework, contentious out-of-scope issues can be discussed further.

P. 2

**Comment No. 5**

Refer to the response to Comment No. 6 from Barton Santello in the public hearing transcript from Nogales, Arizona, September 26, 2003, 5 p.m. to 7 p.m.

**Comment No. 6**

Refer to the response to Comment No. 7 from Barton Santello in the public hearing transcript from Nogales, Arizona, September 26, 2003, 5 p.m. to 7 p.m.

Santello, Barton E.  
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Barton E. Santello

Public Comment (DOE/EIS - 0336)

DISCUSSION: (On Issues out of Scope of the EIS - Page S-15, Summary DEIS)

1) Issue: Mexico may build power plants resulting in the sale of electricity to the United States.

DEIS Comment: "...The DOE is not aware of any proposals by Mexico to build power plants and to sell electricity to the United States in the area covered by this EIS. Thus, DOE considers this assertion to be speculative."

Public Comment: InterGen and Semptra Energy each have a new power plant in Mexicali, Mexico. The United States, Canada, Europe and Japan have upwards of 20 power plants in planning and/or development in northern Mexico. For this DEIS to suggest that the climate for construction of new power plants in Mexico is speculative is misleading. The DOE's own website has information web-page heading called "Facilitating U.S. Trade in Electricity" that States: "U.S. trade in electric energy with Canada and Mexico is rising, bringing economic and reliability benefits to the United States and its trading partners. Within the Office of Fossil Energy's Coal & Power organization, an electricity import/export team is responsible for authorizing the export of electric energy and the issuance of permits for the construction, connection, operation, and/or maintenance of electric transmission facilities at the international border."

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This July 10, 2001 statement is in conflict with the DOE's rejection of this consideration in the subject DEIS. Further, the DOE states that the alternative power plant does not fulfill TEP's purpose and need. This statement is in conflict with page S-11 of the subject DEIS where it is stated that the DOE's mission in undertaking the EIS process is to determine whether the proposed action is in the public interest - not TEP's interest. Therefore, the EIS must be rewritten to address reasonable alternatives as published in the said Federal Register notice.

P. 3

## Comment No. 7

Refer to the response to Comment No. 8 from Barton Santello in the public hearing transcript from Nogales, Arizona, September 26, 2003, 5 p.m. to 7 p.m.

## Comment No. 8

Refer to the response to Comment No. 9 from Barton Santello in the public hearing transcript from Nogales, Arizona, September 26, 2003, 5 p.m. to 7 p.m.

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	Barton E. Santello	Public Comment (DOE/EIS - 0336)
	<p>3) <u>Issue</u>: The impact of Public Service of New Mexico's (PNM) proposed transmission line project.</p> <p><u>DEIS Comment</u>: "...The consideration of impacts from the PNM proposal in this EIS is limited to potential cumulative impacts because TEP and PNM proposals are at different stages of decision making."</p> <p><u>Public Comment</u>: Regardless whether PNM's proposed project is a separate EIS, it is reasonable to assume that PNM's will move forward and such a project will have a compounding damaging effect on the environment, people and it is plausible that PNM and TEP line someday could run parallel to each other into Mexico.</p> <p>Why should this not be considered? Page S-14 of said Summary DEIS provided verbiage of CEQ guidance of Cumulative Effects by stating: "...cumulative impacts have been address in this EIS to the extent that future projects are 1) reasonably foreseeable, 2) the potential resource area impacts overlap, and 3) inclusion of the potential future projects would not be arbitrary."</p> <p>"Arbitrary" as defined by the Random House Dictionary as: <i>Subject to individual judgment</i>" Is the subject DEIS being "arbitrary" by leaving out PNM's proposal under cumulative effects analysis when it meets all the CEQ guidance requirements in the aforementioned paragraph on Cumulative Effects?</p> <p>The DOE's own website states on the matter of PNM: <i>"Public Service Company of New Mexico (PNM) is proposing to build power line(s) originating at the switchyard of the Palo Verde Nuclear Generating Station 30 miles west of Phoenix, Arizona, and extend south approximately 160 miles, crossing the U.S.-Mexico border in the vicinity of Nogales, Arizona."</i></p>	
	<p>SUMMARY OF THIS SECTION'S COMMENTS</p> <p>The purpose of TEP applying for the Presidential permit is to connect to the Mexican electrical system. Per page S-11 of the Summary DEIS, the purpose and need for DOE action is to determine whether it is in the public interest to grant or deny a Presidential Permit, and that the DOE must comply with NEPA (environmental assessment), and that includes Cumulative Effects Analysis.</p>	
7	CONT.	<p>Since TEP's lines are going to connect into the Mexican power grid, the public should be allowed to create a reasonable framework for speculation on the future effects and impact of the 345-kV transmission line and have those assumptions included in the EIS.</p> <p>The DOE is in effect, allowing TEP to propose to build these transmission lines and speculate on selling energy to Mexico, when no contracts (that the public is aware of) exist. Further, the Mexican government has not even committed to any level of participation to this international interconnect concept. If the DOE does not allow the public (for whose interest the DOE is working), to provide reasonable input with regards to Cumulative Effects Analysis under NEPA, then the DOE must vote "No Action" in order not to support corporate speculation.</p>
6	CONT.	
10		<p>Should TEP provide power to Mexico as they propose, it would necessitate using resources (fuel, water, air emissions) from the United States, in order supply a foreign country with power. Thus, a corporation will profit from the use of US natural resources and impact our air quality. One corporation should not profit against the will of the people at the expense of the environment (which in this case includes our Coronado National Forest).</p>

## Comment No. 9

Refer to the response to Comment No. 10 from Barton Santello in the public hearing transcript from Nogales, Arizona, September 26, 2003, 5 p.m. to 7 p.m.

## Comment No. 10

Refer to the response to Comment No. 11 from Barton Santello in the previous submittal.



**Santello, Barton E.**  
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	Barton E. Santello	Public Comment (DOE/EIS - 0336)
10 cont.	<p>If we look at the biggest companies from the industrial era, most have made their fortunes off America's natural resources. Whether it was land grants to the railroads; mining claims on government owned land, or oil drilling in environmentally-sensitive areas.</p> <p>This process continues today, and is demonstrated in the fact that TEP can propose transmission line routes all over the map and then it becomes the annoying and unfair burden of the American citizen, to repeal or modify these damaging proposals. Industry access to America's natural resources - is treated by corporations - more like a 'right' than a 'Privilege'. This is because industry, over the years, has guided the pen of government legislation. The result is a pro-industry maze of laws, designed to wear-down the American citizen who tries to understand these laws, make changes and defend private property and public lands. Legislation currently in Congress, contains wording that may restrict or remove public participation on these issues.</p>	
11	<p>The DOE, US Forest Service, and Bureau of Land Management's decision should be evident and clear: And that is to vote "No-Action" and reject the "Western Route." The reason is simple: There are many other economically viable alternatives to provide backup power to Nogales and other more environmentally-friendly energy alternatives available. With regards to transmission lines into Mexico, TEP (a publicly-traded company) should not expect its rate-payers to finance high-risk explorations into foreign energy markets and profit at the expense of the public's Coronado National Forest.</p>	

P.S

**Comment No. 11**

Refer to the response to Comment No. 12 from Barton Santello in the previous submittal.

**NOTE:** The balance of the material submitted by Barton E. Santello (pages 8-117) includes materials previously provided to DOE during public scoping for the EIS, a copy of his ACC hearing transcript, and articles on the following topics:

- Raptor Safety
- Transmission line ROW and economics
- Jaguar and other wildlife
- Background and arguments against TEP's proposed project
- Citizens proposed wilderness in the Tumacacori-Atascosa Highlands
- International Sonoran Desert Alliance
- Existing and proposed power plants in Mexico
- Bibliography of references

The Federal agencies note the commentor's opposition to the proposed project. The supplementary material provided by the commentor does not include any specific comments on the Draft EIS, and does not identify any new topics which are within the scope of the EIS that should be added to the Final EIS. The public scoping materials previously provided to DOE were considered by the Federal agencies in determining the alternatives, issues, and environmental impacts to be analyzed in the EIS. Section 1.6.2 of the Final EIS explains which issues raised during public scoping the Federal agencies considered to be within or outside the scope of the EIS.

**Santello, Barton E.**  
Page 8 of 117

Barton E. Santello  
P.O. Box 778  
Arivaca, Arizona 85601  
480-940-7728  
bsantello@aol.com

August 14, 2001

**Mrs. Ellen Russell**  
Office of Fossil Energy (FE-27)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-0350

**RE:** Notice of Intent to Prepare an Environmental Impact Statement – Tucson Electric Power (TEP) Presidential Permit Application  
**Reference:** Federal Register, Volume 66, No. 132, Tuesday 10 July 2001  
**Applicability:** All proposed south-central Arizona transmission line routes (Eastern, Central and Western).

**Dear Mrs. Russell:**

Please consider the following comments, questions and/or concerns in the public record, for consideration in preparation of the above-referenced Environmental Impact Statement:

**Topic: Raptor Safety on Power Lines**

Please find attached an article published in the newsletter of the Friends of Buenos Aires Wildlife Refuge, regarding the installation of "Raptor-Safe" perches on transmission lines serviced by Trico Electric's transmission poles in the Altar Valley area.

Please have TEP address the topic of raptor safety in the EIS, to include, but not limited to the following questions:

- 1) How does TEP plan to address to issue of bird electrocutions?
- 2) Does TEP's pole design account for the safe perching of raptors and other birds?
- 3) To what extent will 'insulators' be used to protect birds in areas of the pole which they will be most likely to land?
- 4) What is the estimated loss of birds due to electrocutions?
- 5) What will be the impact of electrocutions on the populations of threatened or endangered birds in the study area of the proposed transmission line routes?

Thank you for considering these comments.

Sincerely,

Barton E. Santello

Cc: Jerry Pell (DOE)

**Santello, Barton E.**  
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Raptors resting or nesting on the cross arm or wires could be at risk of electrocution.

**Friends of Buenos Aires NWR**

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December 2000

Volume 2, Number 3

# TRICO Installs Safe Raptor Perches

Text and photos by Melissa Owen

Good neighbors are precious. They are especially precious in the Altar Valley where distances are long and communication can be a matter of life and death. So it makes us at Buenos Aires NWR particularly happy that one of our good neighbors, Trico Electric Cooperative is working at being a good neighbor to the Valley's avian residents too.

Trico's major goal is to provide dependable electric service to 25,000 consumers in a large area that includes parts of Pima and Pinal counties and stretches from Madera Canyon and Buenos Aires NWR in the south to Mt. Lemmon in the north. All of this area is prime habitat for raptors, especially buteos, (soaring hawks) which typically rest or hunt rodents from a high lookout perch. In an area with few tall trees, power poles provide just such perches. When a hawk's talons grip a live wire and its

wing brushes another, a deadly circuit is completed – one that may end in death by electrocution.

Trico's concern with raptor protection began about eight years ago, according to Maintenance Supervisor David Bailey, and was largely in response to customer calls reporting raptor deaths. "Some of our solutions then were makeshift," he says. But now, "we have identified a number of design alterations that make it virtually impossible for birds to

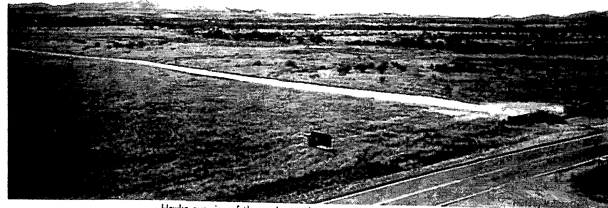
(continued on page 4, col. 1)



# Seeds

Published by Friends of Buenos Aires National Wildlife Refuge

Santello, Barton E.  
Page 10 of 117



Hawks-eye view of the newly paved entrance road to BANWR Headquarters  
Trico Safe Raptor Perches (cont. from p1)

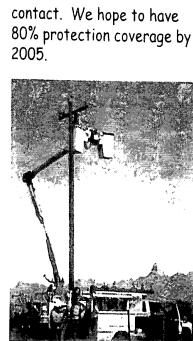
cause shorts at the primary voltage level. We have also asked our engineering personnel to design special structures for particular situations where known bird problems exist and where we have heavy seasonal activity."

"In 1998, we instituted a policy that dictates the use of bird-guard material on all new equipment installations.



A Trico field crew assembles a new safe raptor perch for installation across from the entrance to BANWR headquarters.

We also respond promptly to all reports of bird fatalities by issuing written orders to install guard material on all equipment in the area of the

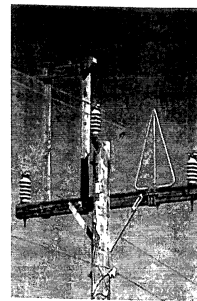
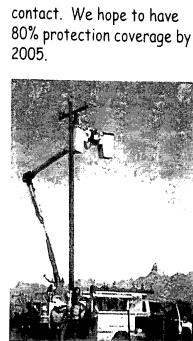


Dale Tucker, foreman; Dave Briley, lineman; and Clayton Brown, equipment operator use a "cherry picker" to install a raptor perch on the power pole across from the Refuge's main entrance.

Perching on power poles and lines is not the only problem faced by both raptors and Dave's ten-man crew. "Our Arivaca substation was lost because of nesting, but our people are now trained to handle nesting problems. If a nest is found on a routine patrol, the patrolman will determine if the nest is active. If the nest shows any sign of

+

P. 8



Trico has, to date, installed about 15 of these perches along Rt. 286 near and on the refuge

bird activity, we will trim the nest to prevent contact with live conductors and the location of the nest is then re-recorded for follow-up action when it is empty."

Dave's crew is now installing perches on some existing power poles along Highway 286 and on the refuge; as poles are replaced, a new design will eliminate the crossarms that attract raptor perching and nesting. Other innovations may include silicone coverings for bushings, devices that emit a low-level electric shock, and sound wave devices at substations.

Santello, Barton E.  
Page 11 of 117

Barton E. Santello  
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August 6, 2001

Mrs. Ellen Russell  
Office of Fossil Energy (FE-27)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-0350

**RE: Notice of Intent to Prepare an Environmental Impact Statement - Tucson Electric Power (TEP) Presidential Permit Application**

**Reference:** Federal Register, Volume 66, No. 132, Tuesday 10 July 2001

**Applicability:** All proposed south-central Arizona transmission line routes (Eastern, Central and Western)

Dear Mrs. Russell:

Please enter the following comments, questions and/or concerns, in the public record, for consideration in preparation of the above-referenced Environmental Impact Statement:

**Topic: Transmission line right-of-way rights, privileges and economics**

- 13 Point #1: The proposed transmission lines, if built, should be built along a 'right-of-way', that has a width as-small-as possible, to minimize environmental impact.
- 14 Point #2: Concern over future uses of the right-of-way. The EIS should consider environmental impact of the applicant "sub-leasing" the right-of-way for other uses; such as railroads, pipelines, etc., unless applicant agrees contractually to forgo any rights to sub-lease, sell, transfer, and/or partner with any third party or new corporate proposal, for any reason that would physically alter, impact the land, or change any structures outside of the applicants original permit application.
- 15 Point #3: The applicant's EIS should be based solely upon the specific proposed transmission line project, with any subsequent future expansion, changes, modifications and/or additions, requiring a separate EIS.
- Point #4: The applicant should be required to compensate the federal government for federal land and/or national forest contained within the right-of-way, in an amount based on appraised fair market value, and such compensation should be in the form of a lease or annual fee. And such lease or fee shall contain escalation clauses to account for the indexed cost of living increase, and property value increases.

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**Santello, Barton E.**  
**Page 12 of 117**

Barton E. Santello

Page 2

**RE: Notice of Intent to Prepare an Environmental Impact Statement - Tucson Electric Power (TEP) Presidential Permit Application**

15 | Point #5: A surcharge fee should be levied on the applicant, by the U.S. Forest Service, to pay for  
 cont. re-vegetation, erosion control, biological impact studies (and corrective environmental action) and  
 purchase of additional buffer lands, as a result of this project.

16 | Point #6: The applicant should be required to post a bond, specifically for the decommissioning of  
 transmission lines at the end of the normal economic and physical life of the structures. And such a  
 bond shall reflect the projected future cost of such decommissioning, which should include re-  
 vegetation and restoration of the desert environment.

Point #7: The project's financial viability and feasibility study, as contained in the EIS, should  
 account for any costs incurred in points #4-7 herein-above, because this would represent the true  
 cost of this project, and avoid the pitfalls of the past, for example, in which utilities companies  
 building nuclear power plants, did not financially account for decommissioning of such plants and  
 the cost of long-term storage of spent nuclear fuel. This omission of the past, is today now the  
 burden of American taxpayers, both financially and environmentally.

Thank you for considering these comments for inclusion in the EIS.

Sincerely,

Barton E. Santello  
 Arivaca

cc: U.S. Forest Service  
 Bureau of Land Management

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**Page 13 of 114**

## Jaguar Photographed In Southern Arizona

Arizona Game & Fish Dept.  
 Press Release: February 4, 2002

A young male jaguar has been photographed south of Tucson, according to Arizona Game and Fish Department officials. The photograph was taken by a surveillance camera that was monitoring potential jaguar travel corridors on the Arizona/Mexico border.

occasionally. We will continue to monitor the area to see if the animal is a transient or attempting to establish a territory. Since we are unsure whether the animal is still in the area, there are no proposed changes for land or recreational use," said Bill Van Pelt, Arizona Game and Fish Department's nongame mammals program manager.



Photo by J. Chiles, Jaguar Conservation Team

In an effort to conserve the rare endangered species, the exact location at which the photograph was taken isn't being released at this time.

"This photograph is really exciting. It is great to know that jaguars are roaming our borderlands, at least

Van Pelt said a Jaguar Conservation Team (JAGCT) was formed in 1997 in cooperation with residents in southern Arizona/New Mexico to gather jaguar data and monitor potential travel corridors on the borderlands. The U. S. effort has also stimulated a parallel

conservation effort in Mexico. All JAGCT members, along with federal and state wildlife managers, have been notified to be on the alert and to watch for jaguar.

As part of this cooperative effort, the Malpai Borderlands Group, founded in 1997, has established a fund to cover depredation expenses if a proven jaguar livestock kill is identified.

Jaguars were placed on the federal endangered species list July 22, 1997 and illegal take of the species could result in state and federal fines of up to \$100,000 fine and a year in prison.

There have been 63 jaguar sightings in Arizona since 1900. The last Arizona photograph was taken in August 1996.

The closest known population of jaguars is 135 miles south, deep in the Sierra Madre of Mexico.

Jaguars (*Panthera onca*), which are the third largest cat in the world, are secretive cats that are muscular with relatively short limbs and a deep-chested body. They are cinnamon-buff in color with many black spots that are often broken circles or rosettes. A black or melanistic phase can occur.

Jaguars are the only cat species found in the Western Hemisphere to truly roar, like an African lion, tiger, or leopard.

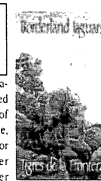
Historically, jaguars were found in virtually every habitat type known to Arizona and New Mexico.

These habitats include everything from shrub-invaded desert grasslands to montane-conifer forest. In recent times, they have been most closely associated

## Borderland Jaguars Tigres de la Frontera

David Brown and Carlos A. López González  
 "What is it about these borderland cats which has so fired up people? Scarcity combined with beauty explains some of the appeal. So does the animal's legendary strength and power as befits its role as the region's top predator. The jaguar's neotropical origins also add to its mystique. . . . But there is something more. That such a large cat is out there somewhere . . . invokes the depths of our imagination. Nor does it matter one whit that the chance of any one individual actually seeing one is almost nil. The thought of such a cat's presence is enough in itself." In 1996 a rancher hunting mountain lions just

north of the Arizona-Mexico border treed a jaguar. Instead of reaching for a rifle, the rancher went for his camera. Later that year another party photographed a jaguar in Arizona's Baboquivari Mountains. These compelling photographs sparked public interest in jaguars and have resulted in calls for listing jaguars as an endangered species. Borderland Jaguars documents the human-jaguar contact in the Southwest and presents jaguar folklore from both sides of the border.



But the book is primarily a natural history of the jaguar, and discusses its distribution, habitats, and hunting and breeding characteristics before concluding with a section on the status and management of borderland jaguars, and a proposed conservation plan. Written in an engaging style, and replete with a wealth of photographs, Borderland Jaguars is a wonderful introduction to this elusive resident of the Southwest.

"The work is not only significant, it is an important contribution, because it serves to dispel many myths and misconceptions regarding the jaguar. It will be the major source on the species for many years to come." —Harley Shaw, wildlife biologist. Available at [www.arwildlife.org](http://www.arwildlife.org)

**Santello, Barton E.**  
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with evergreen-oak woodlands, extending northward from Mexico. Jaguars once ranged from southern Argentina, up along the coasts of Central America and Mexico, and into the southwestern United States as far north as the Grand Canyon. Today, this range is greatly reduced and fragmented.

Throughout their entire range, jaguars are recognized and protected under the Convention on International Trade in Endangered Species (CITES). In the United States and Mexico, they are considered an endangered species under each country's Endangered Species Acts.

In addition, an Arizona-New Mexico Conservation Agreement, involving participation by state and federal agencies, local governments, nongovernmental entities, such as the ranching community, houndsmen, and private citizens has been established to help conserve the species. The goals of this agreement include educating the public, identifying habitat and travel corridors for population maintenance, and the development of strong public-private partnerships using innovative and adaptive management to conserve the jaguar in Arizona and New Mexico.

Recognizing the lack of information about jaguars, the team has been aggressive in collecting sound scientific data. In 1998, members from the working group traveled to Brazil to collect information on jaguar predation on livestock and published a book on jaguar sign. Working group members are also monitoring remote-census cameras in mountain ranges recently occupied by jaguars. JAGCT is currently printing an informational brochure on jaguars.

If you see a jaguar, it is extremely important to note several things:

- Observe specifics of the area so managers can find the exact location.
- Note the specific characteristics of the animal: coloration, size, posture and behavior.
- If possible, take a photograph or video of the jaguar and the area.
- Collect any sign (scat, hair, track, tracing) if possible, without destroying the integrity of the track.
- Report the sighting immediately to Van Pelt at (602) 789-3573.

## It's High Noon And Past Time For Cows To Take A Powder

This column originally appeared in *Writers on the Range* and is reprinted with their permission.  
 By Rob Breeding

Arizona environmentalist Dan Dagget recently came up with a new mantra for the Western range: Public-land health follows the cow. Why does this approach remind me powerfully of the first territorial governor of Colorado, William Gilpin? Because Gilpin was the man who famously assured settlers that "rain would follow the plow."

Dagget's method is high-intensity, short-duration grazing, and he wants a showdown, he tells Westerners, because he's confident he's the fastest draw. So this writer on the range offers a challenge to all comers: He'll pit his grazing scheme against the "Getimoff" approach any time, any place, in side-by-side pastures. He promises his side will be healthier.

Dagget—whose rhetoric is increasingly that of a cattle industry apologist rather than a reformer—backs his claim with examples of grazing used to restore severely degraded sites. But it's a lot like suggesting that we line the banks of Western rivers with riprap because it prevented a trophy home from washing away last spring.

That's not to say that quick and careful grazing doesn't have a place. But in the Southwest, where big grazers have been largely absent since the Pleistocene, widespread application of cows on our disappearing semi-arid grasslands would have disastrous consequences.

The real surprise is that Dagget offers his challenge with the cavalier suggestion that grazing reformists are too yeller to take him up on it. Many are dying for a chance.

As Dagget surely knows, the Arizona Wildlife Federation has been bucking for just such an experiment on the Coconino National Forest southeast of Flagstaff. The federation is involved in a contentious debate about the future of Anderson Mesa's herd of pronghorn antelope. The group has challenged grazing management on the mesa, arguing it's responsible for the pronghorn's near-extinction.

Dagget, as a member of the Diablo Trust, which includes the two major grazing operations on the mesa, should know that ongoing research by a Northern Arizona University professor, Tom Sisk, has already indicated that by at least one of Dagget's measures of rangeland ill health—bare dirt—the "Getimoffs" may be right.

More importantly, the side-by-side plots of high-intensity grazing and cattle enclosures reveal why the grazing debate doesn't lend itself to schoolyard darts. For while the ungrazed plots have less bare dirt and more forbs that antelope like to eat, the high-intensity plots have more grasses.

"Which is healthier?" may be the wrong question. "What are you managing for?" is probably the right one.

There is a larger debate that underlies the movement to end public-lands grazing. It's a challenge to the status quo, where a small group of ranchers hold dominion over lands owned by all of us. They are there by right, these ranchers seem to assume, and nonprofit groups like the Arizona Wildlife Federation are bad sports for suggesting otherwise.

But if it's a showdown Dan Dagget wants, I've got one for him. We can face off at high noon, and as my weapon, I'll draw my vision of Anderson Mesa.

It's a vision of restored wetlands brimming with cinnamon teal and pintail. Of abundant prairie dogs, reptiles and the hawks that feast on them. I see graceful pronghorn racing across the grasslands in their historic abundance, with Mexican wolves in futile pursuit. I imagine Ashurst Lake, the mesa's lone coldwater fishery, restored and brimming with endangered Gila trout.

There's even room for cattle, though. Come on page 18 - "High Noon"

ARIZONA WILDLIFE FEDERATION • [www.azwildlife.org](http://www.azwildlife.org) Page 9

**Santello, Barton E.**  
**Page 15 of 117**


Have you seen this animal?

Jaguar (*Panthera onca*)

## WANTED:

### Information

leading to the protection and conservation of jaguars along the Arizona-New Mexico borderlands



This pamphlet was produced with the support of the Arizona Game and Fish Department, the U.S. Fish and Wildlife Service, and the U.S.D.A. Forest Service.

**U.S. Fish and Wildlife Service**

**U.S. Department of the Interior**

**Arizona Game and Fish Department**

2221 W. Greenway Road  
 Phoenix, AZ 85023  
 602-942-3000  
[www.azgfd.com](http://www.azgfd.com)

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**Jaguars**

once ranged from southern Argentina, up along the coasts of Central America and Mexico, and into the southwestern United States as far north as the Grand Canyon. In Arizona and New Mexico, these majestic cats were found in virtually every type of habitat, from desert grasslands to riparian-wetland forests. But by the 1900s, jaguars had largely disappeared from the United States, down south of the border by development and hunting.

**Loss of habitat and illegal killing continue to threaten jaguars throughout their entire range. The U.S. Fish and Wildlife Service (FWS) listed jaguars outside the United States as an endangered species in 1972. The species was protected under the Convention on International Trade in Endangered Species (CITES) in 1973. In 1997, with enough solid biological evidence to indicate that the Arizona and New Mexico borderlands are a legitimate part of the jaguar's range, FWS listed jaguars as endangered in the United States. This status guarantees protection for jaguars that cross into the United States from northern Mexico.**

A Jaguars Conservation Team made up of landowners, ranchers, citizen groups, scientists and state and federal agency representatives from New Mexico, Arizona and Mexico is working to develop a jaguar conservation plan. But they need your help to identify suitable habitat and cross-border migratory routes.

Santello, Barton E.  
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### Jaguar Spotting: What to Look For



Jaguars are large, muscular cats with relatively short, powerful limbs and deep-chested bodies. Adults measure six to eight feet from head to tip of tail. Average weights are 200 pounds for adult males, 150 pounds for adult females and 80 to 100 pounds for juveniles. Stunningly beautiful, jaguars are cinnamon-buff in color with many black spots often in the form of broken circles or rosettes. An all-black, or melanistic, phase also occurs.

Jaguars are easily distinguished from mountain lions (pumas), the only other big cats found in the borderlands, by their pronounced spots.

Jaguars are shy and elusive animals and generally travel at night. They are at home in a variety of habitats, from high spruce-fir forests of the mountainous "sky-islands" to the lowland thornscrub deserts. Their habitat preferences in the United States are not well-documented and may be determined as much by the availability of food and water as by habitat type.

### To Report a Jaguar Sighting If you see a jaguar or signs of jaguar activity:

1. Note the exact location. Be as specific as possible.
2. Note the coloration, size, posture and behavior of the animal.
3. Look for tracks, scat, hair and other signs. Make a tracing of a track, if you can do so without destroying it. Collect hair and scat samples for analysis by wildlife officials.
4. Report the sighting immediately to:
 

Arizona Game and Fish Department  
602-789-3573

or

New Mexico Department of Game and Fish  
505-522-9796.

Jaguars are found in habitats ranging from mountainous spruce-fir forests to lowland thornscrub deserts.

Throughout the past 100 years, jaguars have been consistently documented in the borderlands of Arizona and New Mexico. To develop a sound plan for protecting and conserving jaguars in the United States, the jaguar conservation team needs more information about jaguars in the borderlands — information you can help provide.

If you see a wild jaguar, please note as many details as possible and promptly call the appropriate state agency. Your observations may prove to be a valuable contribution to jaguar conservation and help to preserve a precious part of America's wildlife heritage.

**FRONT**

**Jaguar:**  
Foot pads broad, not indented at top, toe pads rounded.

**REAR**

**Puma:**  
Top of foot pad indented, toe pads pointed almost pointed.

3.7 inches

4.8 inches

3.2 inches

3.4 inches

Santello, Barton E.  
Page 17 of 117

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Top of foot pad indented, toe pads pointed almost pointed.

3.7 inches

4.8 inches

3.2 inches

3.4 inches

Photos and Text from National Geographic May 2001



Where New Mexico and Arizona come together just north of Mexico, the Malpai Borderlands Group of ranchers was working in the early 1990s to restore rangelands that support imperiled life-forms such as the Chiricahua leopard frog, Yaqui topminnow, and Cochise pincushion cactus. Then Warner Glenn's puma-hunting dogs put a jaguar at bay up on the side of the Peloncillo Mountains in 1996. The lanky, lifelong Arizona cowboy's photos of the encounter were widely published, and interest in the wildlife of this desert outback immediately jumped to new levels.

People had almost forgotten jaguars were a part of U.S. fauna before the 20th century. The cats were noted north of Los Angeles in 1855. General Sam Houston reported them to be "abundant" along tributaries of the Rio Grande in 1850, and Texas still had at least one in the 1940s. In Arizona the last jaguar was killed in 1986. Not long after Glenn ran into the tiger, hunting hounds bayed a jaguar in Arizona's Baboquivari Mountains, more than a hundred miles west of the Peloncillos.

### Watch for Speeding Jaguars — the Kind With Four Paws

Most people think of a jaguar as roaming jungles, but the sneaky cat slinks through the arid lowlands of southeastern Arizona. Confirmed jaguar sightings in the state were recorded as early as 1890. As the largest cat native to the Western Hemisphere, with adult males weighing in at as much as 300 pounds, the jaguar evokes spine-tingling fear and wide-eyed awe. Civilization is fragmenting the jaguar's Arizona territory. But, just to be safe, keep your eyes open for the creatures while out in the borderlands.



As we wandered up Hog Canyon past cottonwoods and blackjack oaks, Glenn, a founder of the Malpai group, said, "We call this a working wilderness. We're trying to make a living off cattle but in a way that takes care of the grass

cover and the streams and springs wildlife depends on. There are rare snakes, bats, Aplomado falcons, and such to keep in mind, and then we have to provide for bigger animals like peccaries and mule deer and Coues' deer."

The closest known breeding population of jaguars was about 140 miles south of us, hanging on in riverside woodlands and thorn scrub where the Yaqui and Aros Rivers meet in the Mexican state of Sonora. Will they be there a decade from now? A century? Could enough follow the route of the jaguar Glenn saw to reclaim a piece of their U.S. range? The Malpai group contributes to jaguar research on the Mexican side of the international line. On the U.S. side, they maintain cameras furnished by

the state game department to record the passage of large animals along likely travel routes. They're ready for jaguars.

Animals can still move pretty freely around here. That's the secret. You've got to keep your wildlife corridors open. Only it's not a secret any longer.

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Tuesday, 5 February 2002

## Elusive jaguar caught on film



Arizona Game and Fish Department  
This photo of a jaguar was taken in December by a remote, motion-activated camera set out to monitor potential jaguar corridors near the border.

### Big cat roamed south of Tucson

By Mitch Tobin  
ARIZONA DAILY STAR

An elusive jaguar has been caught on film south of Tucson, offering fresh evidence that the endangered cat visits - and maybe resides - in Southern Arizona.

The Arizona Game and Fish Department isn't revealing the location of the December sighting to protect the jaguar - the biggest cat in the Western Hemisphere, and the only one that roars. Jaguars were last documented in Arizona in 1996. They have been known to travel 500 miles in search of food or a mate.

"It is great to know that jaguars are roaming our borderlands, at least occasionally," said Brad Van Pelt of the Arizona Game and Fish Department. "We will continue to monitor the area to see if the animal is a transient or attempting to establish a territory."

The photograph was taken in early December by a remote, motion-activated camera that was set out to monitor potential jaguar corridors near the border. Such cameras have been in place since 1997, but until now none had recorded a jaguar.

The last known photographs of a jaguar in Arizona were taken in 1996, one in the Baboquivari Mountains west of Tucson and one in the Peloncillo Mountains, along the New Mexico border near San Simon.

Biologists believe the two 1996 photos and the one shot in December captured three separate cats. The most recent photo shows a young male jaguar weighing around 175 pounds. It was taken at about 5,000 feet in elevation in an oak woodland.

A team of biologists hopes more photos like the December one will help pinpoint the location of a jaguar. The plan is to capture one, attach a collar with a radio transmitter, then return the jaguar to the wild and monitor its movement.

Arizona is believed to be at the northern end of the jaguar's historic range, which once covered nearly all of Latin America. Now, the closest known population to Tucson is 135 miles south, deep in the Sierra Madre of Mexico, according to Arizona Game and Fish. Conservation groups that want to see the jaguar repopulate the American Southwest were delighted by the new photographic evidence.

"The fact that jaguars are still making it as individuals back to their old habitat means there's hope for eventual recovery," said Michael Robinson of the Center for Biological Diversity's Silver City, N.M., office.

Robinson said his group's first priority is to stabilize the remaining jaguar populations in Mexico - which are threatened by habitat loss - and to assess what land on both sides of the border is suitable for jaguars. "We're not pushing reintroduction at this time," Robinson said, "but everything should be on the table." Reintroduction of another of the Southwest's top predators - the Mexican gray wolf - has been fought tooth-and-nail by some ranchers and other residents along the New Mexico-Arizona border, where about 30 wolves now roam.

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Ranchers' livestock would be one potential food source for jaguars. Biologists believe the cats photographed in Arizona have mostly eaten deer and javelina. David Hodges, executive director of the Tucson-based Sky Island Alliance, said the jaguar was photographed in a large, roadless area with abundant deer that was previously identified as prime habitat for reintroduction of wolves.

"This points to the importance of large roadless areas if we're going to have species like jaguars and wolves as permanent residents," Hodges said. Hodges said there's evidence the jaguar filmed in December has taken up residence in the area because several campers have sighted "a large spotted cat" in the past few months. Game and Fish officials say they routinely field calls about possible jaguar sightings, but many people misidentify a bobcat or mountain lion.

The stealthy, muscular jaguar is a formidable beast. Its sharp claws sink into fish, lizards, monkeys, cattle and dozens of other species in habitat that ranges from swampy savannas to pine forests. In Latin America, where the jaguars' numbers are greater, the creature is still considered a threat by some, while its spotted form was a powerful icon for the Mayans, Incas and Aztecs.

Arizona biologists say the shy cat poses virtually no risk to humans since it prefers unpopulated areas and avoids contact with people. "If you're not cornering the animal, there's no indication they would be a harm to people," said Tim Snow of the Game and Fish Department's Tucson office. "Personally, I'd like to see one myself. I think it's fascinating that a large animal like this can still occur here."

\* Contact Mitch Tobin at 573-4185 or [mtobin@azstarnet.com](mailto:mtobin@azstarnet.com)

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**Barton Santello**  
P.O. Box 51106  
Phoenix, AZ 85076-1106  
480-620-5386  
DesertHomestead@aol.com

November 20, 2002

Michelle Harrington  
Center for Biological Diversity  
202 E. McDowell Road, Suite 277  
Phoenix, AZ 85004

RE: Wildlife Report from Hell's Gate Area - North and East of Ruby, Arizona, near Corral Nuevo in the Coronado National Forest - in Area of Proposed Transmission Line Corridor

Michelle:

Can you please forward this document to the appropriate people working on the Roadless/Wilderness Designation for this area and the Proposed TEP/PNM Transmission Line E.I.S. I believe this would cover individuals at both the Center for Biological Diversity and the Sky Island Alliance.

Enclosed are some wildlife photos and notes that were taken on November 9<sup>th</sup> 2002, during an exploratory hike (w/ Peter Ragan) in the Hell's Gate area of the Coronado National Forest (see attached map). Hopefully, this document will aid in the documentation effort of species for this area (photos follow this page).

Here is a summary of what was observed in the Hell's Gate wash, just north and east of Corral Nuevo in the Coronado National Forest. Standing pools of water were present. Daytime temperature was approximately 70 degrees:

- 1) Toad/Frog - Species unknown (see photo)
- 2) Black Bear scat (see photo)
- 3) Ringneck Snake (photo scanned from National Audubon Society field guide)
- 4) Turtles (2 sightings in pooled water) Approximately 6" length. Possible species: Yellow or Sonora Mud Turtle - but no positive identification was obtained.

Should you have any questions, please do not hesitate to call.

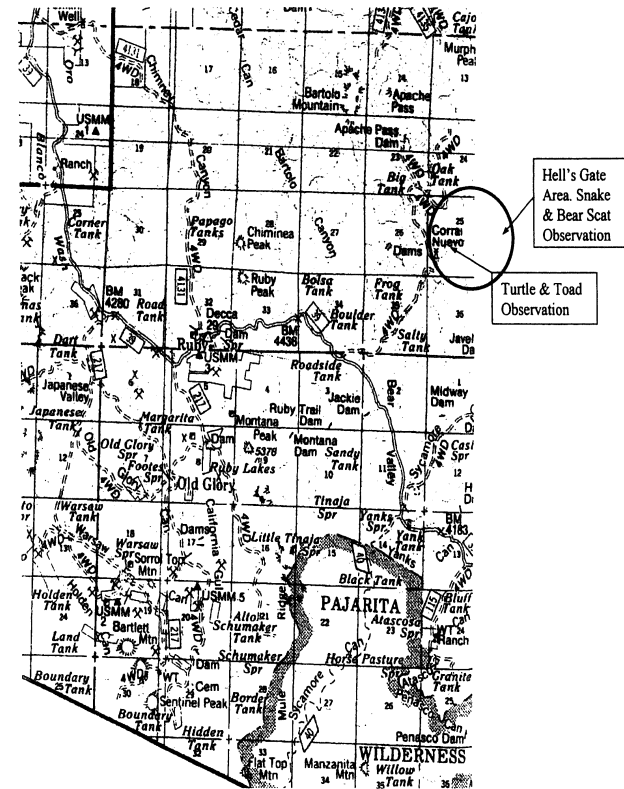
Sincerely,

Bart Santello  
Phoenix / Arivaca

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MAP SHOWING HIKE/OBSERVATION AREA  
CORONADO NATIONAL FOREST NEAR RUBY, AZ



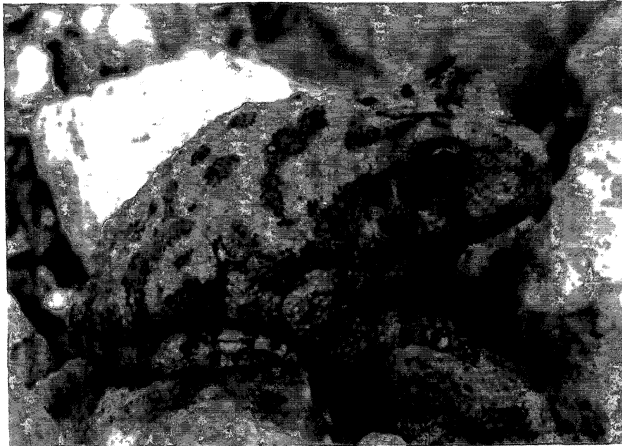
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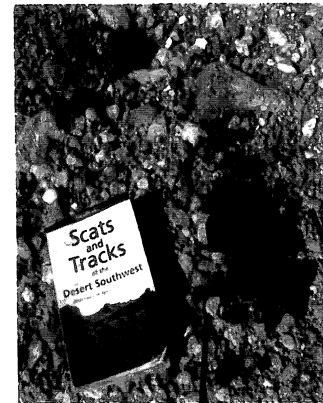
**UNIDENTIFIED AMPHIBIAN SPECIES**

Size: Approximately 1-1/2 to 1-3/4" in Length  
Location: 300 yards east of Corral Nuevo in dry wash



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**SUSPECTED BLACK BEAR SCAT**

Location: Hell's Gate Area – Approximately 1 mile northeast of Corral Nuevo

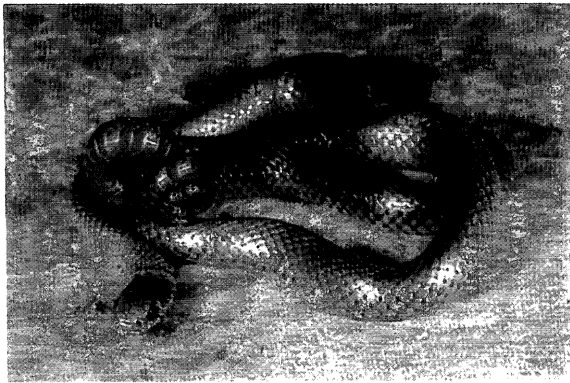
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**RINGNECK SNAKE**  
(Colors Observed Similar to Photo)

Location: Hell's Gate Area – Approximately 1 mile northeast of Corral Nuevo

Note: This photo scanned from National Audubon Society's Field Guide to  
North American Reptiles & Amphibians



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Public Comment Hearings

On

Tucson Electric Power Company's  
Proposed Sahuarita to Nogales Transmission Line Project

Presented to the

**Department of Energy**

Monday July 30<sup>th</sup>, 2001  
Rancho Resort, Sahuarita, AZ

By



Barton E. Santello  
P.O. Box 778, Arivaca, AZ 85601

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Sahuarita, 30 July 2001

In opening, I would like to thank the representative(s) Department of Energy (DOE) for coming to Arizona at the hottest time of the year to host these important public hearings.

My name is Barton Santello. I am a property owner in Arivaca, Arizona, a unique rural community located approximately 12 miles north of the international border; adjacent to the Buenos Aires Wildlife Refuge to the west; the Coronado National Forest to the south; and a mix of private, state and federal land to the town's north. The composition of the community is roughly divided among ranching/prospecting, retirees, people that seek a rural lifestyle or solitude, and those pursuing an alternative living environment. Activities of which include: Building earthen homes; generating off-the-grid renewable power through solar or wind; organic farming; wildcrafting medicinal herbs; arts & crafts and eco-tourism.

Tucson Electric Power Company's (TEP) proposed "Westerly" transmission line route would run north-south, just east of the Arivaca community, first through state land then through national forest for at least 26 miles before reaching Nogales. I would like to state that I am opposed - not only to the construction of transmission line along the 'westerly' route - but also to the entire project, which in my opinion, has questionable merit.

For the record, I would like to make the following points for consideration in the Environmental Impact Statement and for DOE assessment, in determining whether this project is consistent with the public interest.

Consideration 1: Is this project consistent with the vision, plan and thinking of people in the greater Tucson region?

Pima County has drafted the Sonoran Desert Conservation Plan in order to fully understand the impact of development on the fragile desert region. Although this plan has not yet been signed into law, a project of the magnitude that TEP is proposing, I believe, should be shown consistent with the thinking and spirit of the Sonoran Desert Conservation Plan. It would be unwise to cut through some of the most pristine areas of the Northern Sonoran Desert, before the County and State have yet to finalize the overall conservation plan that would be the template for all future growth. Copies of this plan can be obtained by contacting the Pima County Board of Supervisors.

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Consideration 2: Does the proposed 'westerly' route degrade the spiritual living experience for the people and communities that have established rural micro-cultures?

A. Cultural Impact

- 1) The remote desert-mountain environment in the Arivaca area has shaped the people that live there. Thus creating a micro-culture. A micro-culture of people that conform to the current environment. Ranching, farming, eco-tourism, artistic pursuits, alternative lifestyle, a rural mindset, quiet, peace-of-mind, self-sustaining, dark skies with stars. The people that live rurally have sacrificed to be part something greater than themselves. A negative alteration to the environment has a direct negative consequence to quality of life.
- 2) The proposed transmission lines represent "no value" to the people or communities living in the Arivaca community. Transmission lines are the anti-thesis to the lives of Arivacan's', and certainly add "no value" to the environment.

B. Historical / Archeological

- 1) Any study conducted by the EIS would be inadequate and incomplete. The fact that there is a 2-mile wide study area for over 30 miles north of Arivaca Road to Nogales, would yield over 60 square miles of potential study area, including mountainous and canyons.
- 2) The State lands and National Forest lands of the proposed "Westerly" route have never had a detailed survey of Native American historical sites.

Consideration 3: Can the expected environmental impact near and within the Coronado National Forest and associated mountains be adequately assessed, properly mitigated/contained and legally enforced?

We have experience in Arivaca when dealing with water rights issues, that at times, there can be upwards of 6 federal, state or county governmental regulating offices that have overlapping authority in a single area. That leads me to the following questions related to TEP proposed project:

- a. What agency or organization would oversee and enforce any environmental damage above-and-beyond the agreed scope of the project? Would it be state regulating agencies, county boards, federal government, any or all sub-agencies of these bodies of government?
- b. What would be the procedure to inspect for, review and determine extent of environmental damage as a result of this project?

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- c. By what process would there be available compensation or reparation for environmental damage? And how would it be calculated?
- d. What laws and legal mechanisms are in place to enforce contracts and agreements with respect to environmental damage?
- e. Would there be any post-construction environmental studies that would examine operational impacts on wildlife, botanical species and the watershed? And for how many years after?
- f. How would recommendations of such post-construction studies be instituted and potential for long-term damage be remedied?

Even if all these questions could be answered, and compensation for environmental damage be achieved, the environment would still be left damaged. I feel that all the different agencies that overlap with conflicting rules, regulations, statutes and laws, in this situation, would create legal loopholes for the permitted corporation to exploit. More than likely, any legal process to extract reparation from any permitted corporation or contractor, would be so bogged-down in appeals and extend for years, that it would be an unfair burden on finances and time to any person or regulating agency that would want to pursue it. Therefore, what incentive would there be for the permitted corporation to be protective of the environment, other than their word?

Consideration 4: Would TEP plans open the floodgate to future development?

- a. Would the construction of power lines create a gateway for future development in the rural areas west of the I-19 and south of Green Valley?
- b. Would construction of transmission lines in previously low impacted areas be both a symbolic endorsement and/or set a legal precedent for all future proposed residential and commercial development?
- c. Being that this project is so large in magnitude, would any subsequent applications to develop, be able to ride the coattails of this project.

Consideration 5: Socioeconomic Impact

- a. Can TEP justify, that the use of the Coronado National Forest to benefit a single corporation, outweighs the collective use by people of the same land for recreation, in a state where tourism accounts for approximately \$1.8 billion in annual revenues; a figure three times that of Arizona's copper production?
- b. The Arivaca area that includes the Buenos Aires Wildlife Refuge and the Coronado National Forest is a world-class birding and wildlife viewing area with over 314 species of birds identified many are rare and migratory. There are also approximately 58 mammal species, 11 amphibian & 42 reptiles species.

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- c. People come from all over the world to visit this area and this is part of the local economy and will probably continue to increase as population grows and people seek to get away to rural areas on Sunday drives, vacations and recreational opportunities. Ecological and wildlife preservation must continue to stand in order to maintained the integrity of existing protected areas. People need an intact natural environment as a means for personal spiritual recovery.

Consideration 6: Visual Impact on Scenic Areas

- a. How will TEP quantify or articulate the magnitude which the proposed transmission lines will have on the 'visual' impact of any of the proposed routes?
- b. Impact on the rural scenic character of the region.
- c. Permanently lost photographic opportunities of numerous unspoiled landscapes.
- d. Spiritual impact on the people who came to these very areas to get away from this type of intrusion.
- e. Psychological impact of development (depression, anxiety, cynicism, mistrust).

Consideration 7: Is this project a highest-and-best use of TEP's capital?

- a. TEP has not clearly articulated the risk/benefit analysis of this project to the public.
- b. Could other alternative power generation projects be demonstrated that can meet the customer's demand for power with less impact on the environment?
- c. TEP will spend tens of millions of dollars building transmission lines that produce no Power. If TEP is so concerned about providing power to people in the Tucson area, that same money could be better spent producing it. Smaller local power plants remove the need for huge transmission lines.
- d. Energy production can be scaled from local power generating plants, down to individual households, through the use of renewable energy. TEP's Parent company has a division called Global Solar. Southern Arizona would be an ideal place to market renewable energy products, such as solar.

Consideration 8: TEP's transmission line proposal is vulnerable to technological advances and changes in national energy policies, laws and regulations.

- a. Transmission lines of the type proposed by TEP can no longer be proven critical to the electrical needs of the American people.

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- b. Centralized vs. decentralized power generation. Decentralized power plants that are locally situated in the area of need, will ensure people that they will receive the energy need they create at a more stable cost.
- c. Future deregulation of utilities means that transmission lines will carry power to customers willing to pay whatever the market price will command. Therefore it is conceivable that transmission lines will carry electricity away from the area where the power is generated. Therefore transmission lines may not bring any added security to the people and areas that they pass through.
- d. TEP will spend tens of millions of dollars building transmission lines that produce no power is so concerned about providing power to people, the tens of millions of dollars that will be spent to transmit power, could better be spent producing it. Energy production can be scaled from local power generating plants, down to individual households through the use of renewable energy.
- e. I believe transmission lines are an industrial-age technology, in contrast with an 'information age' world. Although owning transmission lines is currently seen as the 'hip' place to be in a deregulated energy market where power is moved around and sold as a commodity, future advances in energy production technologies could render power transmission lines obsolete.

Consideration 9: TEP as a corporate neighbor.

- a. TEP has not been a good corporate neighbor in the dissemination of knowledge about the proposed transmission line project. It has failed to adequately inform the Arivaca community of the intent and scope of its transmission plans. TEP has been working on this project for years and most Arivacian's just learned of it, when an article was published in June local "Connection" newspaper.
- b. TEP has shown indifference by presenting proposed routes through historically, culturally and environmentally sensitive areas, without first soliciting input from the people.
- c. TEP has been brash and overconfident in designating that its 'favored' route, would be one laid-out straight through the picturesque Coronado National Forest with all the associated legal barriers to entry and when a "Use Permit" from the U.S. Forest Service has not yet been granted.
- d. The use of National Forest for the purpose of constructing transmission lines, contrasts with the perception of what the American people believe national forests are there for.
- e. TEP's proposal of the "Westerly" route asks the question to the people of Arivaca: "Would TEP have considered a costly route through mountains and the environmentally sensitive Coronado National Forest as its 'preferred' route, if it were not for the fact that Arivaca has small population, lower-than-average per capita income, and does not have much in the way of political connections?"

Barton F. Santello

*Barton F. Santello*

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- e. Are any of the following TEP corporate officers in the room today: James S. Pignatelli (Chairman of the Board, President & CEO)? or Steven J. Glaser (Senior Vice President & Chief Operating Officer, Transmission & Distribution)? If they are I invite them to speak and justify the merits of this project to the people. If they are not here, I must say that if this project is so important to TEP, why aren't its top officials here to speak on behalf of it? They must not have the same level of commitment for the project, that all the people who came here tonight have against it.
- f. If this project does not move forward, TEP can simply transfer capital to another investment vehicle. TEP has nothing to lose by submitting this proposal, in contrast, the local environment and community has everything to lose.

Consideration 10: TEP Proposed actions are in conflict with the intent of The Sonoran Desert Biosphere Reserve Project.

The International Sonoran Desert Alliance, a tri-national organization made up of Mexico, the United States and the Tohono O'odham Nation, has launched the Sonoran Desert Biosphere Reserve Project. The project area covers a vast area extending west from Interstate 19 into eastern California and south into northern Mexico. The purpose of the organization is to promote cooperative protection measures of the Sonoran Desert; ecologically sound economic development; shaping of public policy; promoting international cooperation; environmental education; research and application of indigenous knowledge (see separate document).

Arivaca is part of the Sonoran Desert. Arivaca has a role in the bigger picture of environmental preservation. The Arivaca community is currently participating with the spirit of the Sonoran Desert Biosphere Reserve Project with a local group known as the 'Arivaca Watershed Educational Taskforce' (AWET). AWET is a local group committed to help the community sustain an adequate water supply, promote responsible development and maintain its rural character.

Consideration 11: The "No Action" Alternative

- a. The environment is preserved and thus allows its value to increase dramatically with time.
- b. No visual impact on the landscape. This would maintain the rural character and promote tourism, photography opportunities and peace of mind.
- c. A positive long-term impact on TEP as a utility, by allowing the company to think creatively about alternative uses capital, it may find exciting new energy technologies to help diversify and that would work to ensure their long term financial survival.
- d. In the "No Action" alternative by the DOE, TEP moves to another investment opportunity, the environment is preserved and the people are happy and empowered, rather than beaten-down and cynical.

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Conclusion:

How this project is challenging us as human beings, is not just whether this single decision, if approved, has a negative yet 'mitigated' impact spiritually on the people and the environment, but whether this decision as part of the sum total all future development decisions, will have the net effect of permanently altering a once pristine area. To put it another way, will the sum total of each small seemingly rational development decision, result in a final living environment devastating to the environment and spiritually sterile to the people for which it was meant to benefit. Judging the way so-called 'managed' and 'consensus' development has already spread across American, I don't necessarily hear people taking about a utopia; rather I hear of increased stress and anxiety. The people, regardless of their small numbers, who have moved out to these rural areas that the power lines proposed to cross, have made the decision to trade convenience for peaceful empowered living in harmony with the environment. The proposed power line project does not support or harmonize with the current status of this area.

Why is it that our government, whether state or federal, can effectively guaranty a profit to a private company by granting depletion rather than conservation our natural resources? Our government has a mindset, attitude and policy traceable to the founding of this country, that somehow the resources we have are so vast, they will be available indefinitely. It's several hundred years later now, and many of us are trying to protect pockets of areas that are still unspoiled. And now these areas are being eroded because the mentality hasn't changed. Federal lands, wildlife refuges, national parks, national forests, national monuments & state parks. These are lands set aside for special reasons: wildlife habitat, recreation, and natural wonders.

We have reached the point where "the people's" lands are now threatened, to meet the needs and support what is called the American way of life. If this is the case, we need to stop and look inside ourselves and question what we are doing, before progressing further.

In the case of TEP's proposal, it is fair to ask people to sacrifice a portion of our remaining environment to support energy projects, built in desperation, because our government has not provided long-term vision, leadership, research and business incentives, to prepare for a post-fossil fuel world? Especially when we have had 30 years since the last energy crisis to mobilize and unleash the great scientific minds and entrepreneurial talent this country has to offer, to work the problem.

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And it is extraordinary that a corporation can petition to exploit resources managed by United States government, for the purpose of making a profit, at the same time having it being a detriment to the very people for which the land is suppose to be managed for. Many of the people hear tonight don't want to cut a deal, or work to mitigate potential damage. We don't want this project. Collectively as a nation, we have already compromised away a majority of our wild-lands. Southern Arizona, Arivaca and the Coronado National Forest have their backs up against the border. How is it not reasonable for citizens of this area to stand-up and fight to protect the small, unspoiled percentage wild-lands that remain.

I would like to close by quoting Dr. Cornel Pewewardy of the Comanche Nation, which I believe speaks for many in this room tonight: "I am no chief, but, I am a warrior in education; and a warrior's role is greater than merely protecting and providing for the well being of the nation. It involves looking after the welfare of the people seven generations from now. It means we need to recognize threats to future generations and act accordingly. We need not only to understand but to live by saying, we do not inherit the land from our ancestors, we rent it from our children".

Thank you.

Barton F. Santello

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**BACKGROUND ON T.E.P.'S TRANSMISSION LINE PROPOSAL**

**Low Reliability in Santa Cruz County.** This concerns our local electrical distributor, Citizens Utilities. Citizens does not generate electricity but is tied to the "world" by a single 115,000 kilovolt (115 kV) transmission line from Nogales to the Tucson "tap." This is like a long extension cord, called a radial, on which most of Santa Cruz County depends for electricity that Citizens buys on the market for us. When this line breaks, our lights can go out. Both lightning and rainstorms along with other reasons may cause this line to fail. In 1998, through a series of long-term failures, we had several significant outages, mostly perceived as the fault of Citizens. A class-action lawsuit was filed. The City of Nogales terminated their franchise with Citizens. After large public protests, the Arizona Corporate Commission (ACC) issued an order to Citizens to "improve reliability" by installing a second transmission line by December 31, 2003, or face a fine of \$30,000 per month. This ACC Order also required Citizens to file for a Certificate of Environmental Compatibility (CEC), which is the state's permit to construct a large transmission line.

**PNM files for a DOE Presidential permit for electricity sales with Mexico.** In late 1998, the Public Service Company of New Mexico (PNM) filed for a Presidential permit, from the Department of Energy (DOE), for electrical sales with Mexico. The PNM proposal is for a 345,000 volt line from Palo Verde switchyard, next to the Palo Verde Nuclear Generation Station, to go from there, through Maricopa, Pinal, Pima and Santa Cruz Counties to Santa Ana, Sonora Mexico, about 60 miles south of Nogales. One of their present five routes goes through Sasabe and avoids Santa Cruz County but the others do. This is PNM's fourth set of routes, as their previous routes had major environmental flaws. This is a complex system, with the goal for PNM to collect fees for users of this "electrical superhighway." A 345,000 to 230,000 volt converter station will be build near Nogales, so that both the US and Mexican electrical grids (circuits) remain independent of each other (failure on one does not impact the other). Electricity will be sold going in both directions, from Mexican power plants or from US power plants, depending on who needed electricity.

**TEP files for an ACC CEC and a DOE Presidential Permit for electricity sales with Mexico.** TEP, around May 2000, decided that the Citizens' problem in Nogales, could be solved if they build a larger 345,000-volt line (at 500 megawatts, MWs) to Nogales and to Mexico and not let their rival PNM have the business. TEP could then collect the transportation charges (about \$2,300 per MW per month). bTEP then joined with Citizens to jointly apply for the CEC for a transmission line system from Sahuarita (West Pima Mine Road, TEP's south substation) to a new Gateway Substation in western Nogales, and from there a 115 kV line to Citizens and another 345 kV line to Mexico. Three 345 kV volt transmission line corridors from Tucson to Nogales are in TEP's August 2000 Presidential permit application. In March 2001, TEP/Citizens filed with the ACC for a CEC for two of the three: the Western (or preferred) and Central (preferred alternative) corridors. TEP publicly stated the Eastern (which mostly expands their present 115 kV easement) corridor as "not viable." This system at 500 MW carries enough electricity for about 25% of Tucson and at least 10 times that ever used in Santa Cruz County, obviously for Mexico. TEP does not provide any electricity services in Santa Cruz County since this is Citizens service area. Utilities are required by Arizona law to provide service in their area as first priority; thus, Santa Cruz County is a secondary or may even be considered less important than a possible Mexican customer.

**DOE and USFS requires an EIS to make a decision on a Presidential Permit.** The DOE has determined that there could be "significant environmental impact" if either the PNM or TEP transmission lines were ever build. The DOE requires TEP and PNM obtain a favorable Record of Decision based on an Environmental Impact Statement (EIS) before issuing a Presidential permit. In addition, both have routes that go through the Coronado National Forest's Tumacacori and Atascosa Mountains, including Bear Valley, Sycamore Creek and Sycamore Canyon, along Ruby Road and skirts the Pajarito Wilderness Area, all inside the NF. Only a few hundred feet separate the Pajarito Wilderness Area and the Forest Service roadless area along Ruby Road. In addition, the Forest Service roadless area, to the East, requires an additional variance from the USFS designated utility corridor.

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**BACKGROUND**

Thus, all TEP and PNM routes proposed in Santa Cruz County require a completed EIS and a favorable Record of Decision by the DOE before a Presidential permit can be issued and by the US Forest Service before a Use Permit can be issued. TEP last testified that the "draft" EIS would be finished about February 2002 (a doubtful date), with public hearing soon afterward, and their Final EIS and RODs by July 1, 2002, (a more doubtful date). TEP says this is needed in order to meet the Dec. 31, 2003 deadline established by the ACC. It is noted such a deadline could be changed by the ACC.

**Maestros Group proposes an electricity generation plant in Nogales.** After PNM's public series of EIS Scoping Meetings brought wide-scale opposition throughout Pima and Santa Cruz Counties, a local group of environmentally aware and sensitive residents determined that a local electrical generation plant, with all of the EPA air and water pollution controls, could solve all the above issues, without any long power lines, and provide many benefits for this county (win-win situation). This group, called Maestros Group, filed with the DOE for a natural-gas, 500 MW electrical generation plant, near Nogales, to transmit electricity to Mexico and will build another 100 MW plant for Citizens for our county. This can meet the ACC Order, sell to Mexico, provide excellent jobs where the unemployment rate exceeds 20%, provide an environmental safe facility (with US law enforcement) and also provide natural gas to Sonora, which has none. Nogales, AZ is an EPA air pollution impacted community due to particulate matter (dust). Nogales has not been able to submit any plan that will attain the minimum EPA air (PM) standards. The Maestros' proposal to use its cooling water (effluent) from its plant sprayed on dirt roads in Mexico may reduce our significant air pollution problem. The only possible significant environmental impact will be a new natural gas line from Tucson to Nogales. When compared to the impact of transmission lines, this appears to have the best cost-benefit solution for all including Mexico. Our 40-year old natural gas line requires replacement and several gas line routes appear to cause minimal environmental impact other than trenching, filling and proper rehabilitating. There is no ground water impacts as the proposed plant will use effluent from the Nogales International Wastewater Treatment Plant that "legally" is owned by Mexico, based on a 1944 treaty. Use of Mexican-owned water to provide Mexico electricity appears to all as a satisfactory trade off.

**TEP's CEC undergoes extended CEC hearings with 'western' corridor recommended.** The TEP, ACC-CEC application has undergone a series of eight hearings since May 2001 finally resulting in a recommendation by the ACC Power Plant and Transmission Line Siting Committee on October 19 for a 345-kV transmission line in a 2-mile wide Western (the TEP Preferred) Corridor. TEP will decide actual tower sites for their 120 to 140 foot tall towers, after it does preliminary engineering (not yet done). We really don't know where inside a two-mile wide corridor they want to go. One ACC Siting Committee member said "they can be anywhere between Sahuarita and Nogales." TEP's request for 120 foot high by 118-foot wide "lattice" towers was disapproved. These recommendations were made prior to even the "draft" EIS being released (still in the NEPA Scoping phase) and was based solely on TEP-provided and paid consultants and very simple analysis. Various Intervenor found gaping holes in TEP's lack of understand of the terrain, the environment, and the historic/cultural impacts they will have on Santa Cruz County.

**Both Applicants and Intervenor challenge the Siting Committee's recommended CEC.** Since the recommendation on 19 October, several interveners have requested a "review" or rehearing by the Corporation Commissioners. TEP/Citizens and the Arizona Utilities Investors Association (AUIA) have also requested a "review" for a specific issue. The Intervenor are mostly interested in delaying the project until the EIS has been completed, expected rate increased due to this new TEP line that Citizens will not use, and lack of environmental understanding by TEP which is necessary to build such a project in the wilderness regions of our county. In particular, the selection of the Western corridor, without a competent environmental assessment is frightening. This Bear Valley area is filled with historic sites, from the Hank and Yank's defense against an Apache raid, the last Indian raid in Arizona, stretches for miles with no people or any connection with civilization. Such places are disappearing at a fast pace, this is one that opening up to construction roads will lead to continual destruction.

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**ARGUMENT AGAINST T.E.P.'S TRANSMISSION LINE PROPOSAL**

**General Argument:** TEP proposal has been shown at the Power Plant and Line Siting Committee Hearings to be flawed, incomplete and inaccurate. TEP's proposal was not demonstrated superior as compared to a local, natural gas, generation plant (that exceeds all EPA requirements) in Nogales.

As a simple ratepayer, I would not want this TEP proposal, since it will raise my rates based on high capital cost and continuous costs of over \$1M per year for unused electricity being transported hundreds of miles, when three or so miles locally transmitted will do. As an engineer, I wouldn't submit such a technically deficient proposal to my management; I would be embarrassed. As a citizen, my ethical standards would never let me destroy the environment by slicing through a national forest and such places as Bear Valley and Sycamore Canyon. Nor would I ever let anyone trample on the historic sites these power lines and access roads will destroy. As a utility company, I would never waste my shareholders funds on such an ill-conceived, destructive, 50-year project, when more viable alternatives are readily available that are less risky with significantly higher electrical reliability and quality for all consumers. As a Mexican electrical utility, I would not want to pay the highest possible prices for electricity, and thus would reject this highest-cost option to sell electricity to my newly democracy-energized and developing nation. As a parent, I expect my great-grand children will be able to see and enjoy the natural and historic beauties found in our area and the same for later generations to come. As a human, I would prefer to defend all of these rare, endangered, threatened and special animal and plant species, who have no voice no say in these matters. I would want to protect all of these wonderful, diverse sky islands, riparian areas and deserts, we all love so much. As an American taxpayer and voter, I expect our utility and government officials to remember that our federal laws require, in these cases, a complete assessment of the environmental impact before granting any approvals to move forward.

*The application appears deficient in each area required by the Arizona statutes under A.R.S. 40-360.06A and B. These are numbered below, to parallel the legal sections of the statute:*

**360.06A1.** It failed to coordinate it plan with others (PNM and Maestros) to prevent duplication of facilities.

**360.06A2.** It failed to account for all fish, wildlife, and plant life by "excluding" from further study endangered 31 species including the Sonoran Chub, which was noted found in Sycamore Canyon. Really, this fish lives only in Sycamore Creek, whose watershed is Bear Valley that drains westward, not like most other Arizona rivers into the Gila River. This small watershed, listed with USFWS, is quite unique and with its unique species deserves a highest degree of protection. One dead Sonoran Chub was found on the dirt and rugged Ruby Road where this Creek crosses, where a new bridge has been constructed by the USFS for protection. Other species, including the cactus ferruginous Pygmy-owl, five-striped sparrow, Pima pineapple cactus, lesser long-nosed bat, and the jaguar, amongst dozens of others require field survey work, analysis and in-depth habitat understanding. The computer printout and weak "expert" testimony left knowledgeable residents with significant doubts that TEP's long-term and paid consultants understood these corridors' natural environments. About 200 hours of field work, mostly so they could align photographs and Pygmy surveys, was done. No Pygmy owl surveys were done south of Arivaca Road or inside the National Forest, where documented sightings are known.

**360.06A3.** It failed to provide the required noise "levels" which means numerical measures in decibels, other than to state "acceptable" a very subjective, non-defined term.

**360.06A4.** It failed to discuss "recreational benefits" and ignored the significant investment by the USFS and Arizona Fish and Wildlife Service for Lake Pena Blanca, campgrounds, world-famous butterfly sighting areas, and superb hiking trails with grand vistas only famous in Arizona. From a safety point, the applicants never mentioned that the Central (Preferred Alternative) route's safety problems with its shared natural gas line. The radiated energy from these lines penetrates the ground and can corrode the 40-year old gas line, can induce electricity into the gas line with "shocking" effects by a consumer who stove or clothes dryer receives gas and electricity simultaneously. In addition, natural gas leaks can also explode and damage the power lines.

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**ARGUMENT AGAINST**

TEP does not even have the gas line owner's permission to share the easement. The Hearings determined that there are no National standards for a safe separate distance between high voltage electric and natural gas lines. They said that is some other (FERC, DOT, or ?) agency's problem. TEP said such a liability would be "decided in court" but most want issues solved before going to court.

**360.06A5.** It failed to even list all the National Historic Register sites along these routes. Only this incomplete list was provided, and after a month's recess, TEP was only able to make minor changes. At least two local historical societies have expressed concern that local cemeteries, Native American ruins and sacred sites were missing from the list. The TEP "environmental" consultant testified that at least 60 to 70% of these routes had never had an archaeological or biological survey. Another TEP "environmental" consultant then testified that "conducting a survey" would cause more damage than construction. Serious doubts as to her credibility resulted as foot prints caused by cement trucks, lowboys, bulldozers, cranes, and "tension" vehicles are surely more damaging than those by humans. But she was an "expert" so her sworn testimony must be true.

**360.06A6.** If failed to view the "total" environment, which includes the desirable scenery, viewed by thousands of tourists, artists and residents. The stretch of road between Nogales and Green Valley contains welcome open spaces for our Mexican visitors. Tubac, Tumacacori, and Arivaca have dozens of professional artists with painting classes of the Santa Rita, San Cayetano, Sardinia Peak, Tumacacori and Atascosa Mountains. Residents design houses and place windows for views, which have significant personal and property values. As one speaker said, it is the "visual integrity" that's so important to everyone who lives in this rural area.

**360.06A7.** If failed to provide the technical means to ensure high reliability by not properly connecting the US and Mexican electrical systems. Instead, TEP has proposed to add two Mexican states, over 650 miles south of the border, into the US western grid. TEP testified that none of these 50 or more generation plants are known to meet the US reliability standards. This April, both of these Mexican states experienced a catastrophic cascading electrical failure for 7 hours to over 24 hours of outage. Contrary to all other "grid boundaries," TEP has no plans to make this connection reliable. Both PNM and Maestros Group have assured reliability at the border.

**360.06A8.** The \$72 M cost for the Western Corridor is the most expensive as there is no easement along most of the route in Santa Cruz County, it is longer, and through the National Forest where the greatest number of protected species have habitats. Of the three proposals, the TEP's provides no employment in Nogales, where unemployment is over 20% for many months of the year, and provides the least increase in the property tax base. The "forever" new transportation charges on the TEP lines will cost the ratepayers at least \$50 and maybe \$100 million over the lifetime of this project.

**360.06A9.** It failed to disclose that the TEP south substation lies within the 100-year Floodplain and should be removed to a safer location. It now is adjacent to the Santa Cruz River. TEP did testify that the Santa Cruz River had a 100-year flood every 10 years. Well, those are 10-year floods. The US Army Corps of Engineers requires critical facilities, such as this substation, to be able to withstand a 500-year flood. The EIS is doing a Floodplain and wetlands analysis.

**360.06B.** It failed to consider the overall impacts on the environment and completely failed to consider other, reasonable alternatives. Nowhere were route-to-route comparisons made. The selection criteria of one route could not be assessed. Most additional areas considered by the EIS were not mentioned in the CEC application. These include impacts of socioeconomic impacts and a comparative effects analysis (CEA). The TEP EIS will include a CEA comparing TEP, PNM, and local generation plant, versus No Action. Without such a comparison, the overall impacts cannot be assessed and were not assessed during the Siting Committee hearings; due to the limited role this Committee performs its hearings on an application-by-application basis and does not consider the larger picture.

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ARGUMENT AGAINST

Both Applicants and Intervenor challenge recommended CEC. Since the Siting Committee recommendation on 19 October, several intervenors have requested a "review" or rehearing by the Corporation Commissioners. TEP/Citizens and the Arizona Utilities Investors Association (AUIA) have also requested a "review" for a specific issue. The Intervenor is mostly interested in delaying the project until the EIS has been completed. The selection of the Western corridor, by the Line Siting Committee, without a competent environmental assessment is not fair to the public or environment. The Bear Valley area is filled with historic sites, from Hank and Yank's defense against an Apache raid; the last Indian raid in Arizona; unspoiled stretches for miles, with no people, or any connection with civilization. Such places are disappearing at a fast pace. This project proposal will open up this fragile land to the construction of roads, which ultimately will lead to severe environmental degradation.

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APPENDIX I

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Barton E. Santello  
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Arivaca, AZ 85601  
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Chairman William Mundell  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

**Case 111, TEP/Citizens Tucson-Mexico Joint Transmission Line Proposal**

**PUBLIC HEARING COMMENT**

December 12, 2001 - Tucson

I am speaking today as private citizen and a property owner from the town of Arivaca, in opposition to TEP's proposed 'Western Route' as recommended by the Arizona Corporation Commission (ACC) Transmission Line Siting Committee. Several residents of Arivaca who could not attend today's hearing, due to work responsibilities, have asked me to speak on behalf of them, against the subject 'Western Route'. A proxy-petition containing the signatures of these individuals, is attached to a copy of my public comment.

Collectively, we are outraged at TEP's proposal to permanently disrupt a rural outback and national forest, in trade for a self-serving business plan. These hearings have made it clear that TEP's 345 kV - 'Western Route' option, not only has put in jeopardy the Commission's mandate to provide Nogales with reliable power by December 2003, but they have proposed a route with extreme environmental consequences.

**Point 1) Let Us Look at TEP's Proposal For What It Really Is**

When I go to the building department to file a permit for a house, I must submit a blueprint, specifications and complete all the required forms. If the plan and paperwork does not and satisfy all the requirements of the state and county, my application is not even considered for acceptance. TEP's proposal, as submitted to the ACC, seems more like an outline, than a well-defined document. The proposal asks more questions than it answers. For example: Where are these lines going to be placed and how wide will the right-of way be? Or, what are the 'real' reasons for crossing the border? To buy power? To sell power? And what are the environmental consequences? How can the ACC make a decision on a moving target? The proposed 'Western Route' through the Coronado National Forest, reveals itself as a separate, flawed and greed; proposal by TEP. In my opinion, TEP is using the requirement to supply Nogales with power, to push their own agenda at the expense of a unique southern-Arizona scenic outback, the people's wishes, and the environmental integrity of our national forest. The Commission should reject TEP's proposal, because it fails to deliver acceptable levels of accountability, quality, completeness and integrity.

**Point 2) Let Us Preserve Arizona's Rural Character and Environment**

In the Coronado National Forest, besides the visual obstruction of the transmission towers, construction will result in new access roads being built, leveling of areas for storage of equipment, dumped/piled materials, off-road driving, erosion and result in plant and animal habitat degradation. We cannot allow this level of destruction to happen in the biologically sensitive area of the Pajarita Wilderness, containing the perennial stream within Sycamore Canyon.

The area's scenic beauty must be preserved. According to state figures, Arizona's population will grow from approximately 5 million people today, to 11 million in 50 years. Will people have sufficient destinations to go in the future where they can feel that they have truly gotten away in the wilderness? Tourism accounts for 3 times the revenue compared to that of Arizona's copper industry. This unspoiled land has great economic value to Arizona.

When I moved to Arizona, my intention was to build an energy efficient adobe home and power it 100% with solar photovoltaics. I chose the remote town of Arivaca because I found it to be a micro-culture of people who are trading-off conveniences for an alternative living style. For some, that includes off-the-grid power generation and earthen homes. Also, Arivaca is also the place where people from Tucson and around the world come to escape cities, recreate and nature

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watch in the Coronado National Forest and the Buenos Aires National Wildlife Refuge. Transmission lines are a total contradiction to the town's rural character and the independent determination of the people of Arivaca.

**Point 3) Let's Embrace More Choices For Real Energy Security**

I am not here today to be an obstructionist. I am a realist that understands the growing need for electric power. We have potential energy problems in Arizona because people are moving to the desert in great numbers due to population expansion and demographic shifts. Most arrive without fully understanding the risks associated with living in the desert: A desert that is short on water and services. As a culture, we take for granted that there will be reasonably priced gas for whatever vehicle we choose to buy; heat for whatever size house we build; or, ample water for irrigation, pool and gardens. We buy electric appliances never considering the energy they consume. This is because these resources seem to have always been there and are perceived they always will be. We expect them; we demand them; and convenience has been defied in our culture. But the simple truth is we are dependent on the production and distribution of energy. We have to become aware, self-observe and begin to take responsibility for our energy choices.

Decisions made from crisis and fear, are not good decisions. And in a crisis, choices are limited. In this proposal, the people have been given only 2 choices. 1) Power by transmission lines, 2) or, 'no power'. TEP's idea to build transmission lines into Mexico connected to the US grid could make this so-called reliable power, vulnerable to terrorists. The recent collapse of the Enron Corporation has shown us that trading energy on the commodities market is an immature concept at best. By building this line, TEP is strengthening its position to move power around a grid and set up a tollbooth. Thus, connecting to a national grid may mean that a power plant in your backyard is no guaranty that you will have power; unless you pay what the market says. And if you don't, the energy will be distributed to the state willing to pay the price. Look at California as an example. The 'no power' option is fear-based. The people have never been given a third choice; that of decentralized, alternative, and locally generated/distributed power. Where are these options for 'real' security? What is personally transformative about alternative and decentralized power generation is that one can take responsibility for the power they use. The conscious use of electricity becomes the mechanism for energy conservation. No vote should be cast against the environment, so it can be a sacrificial lamb to our appliances.

**Point 4) Let Democracy Carry The Day**

What has happened to the people's voice? We have special interest lobbyists influencing legislation over the majority's consensus. And we have decisions being made by remote governmental bodies that override local citizen's input.

Recently, while pondering the issue of dependency on transmitted power in relation to what it means to have energy choices, I realized TEP's proposal is their model of how things should be. In other words, it is their 'dream'. We have to realize that all these years we have passively bought into someone else's dream. The dream of transmitted power. While that may have been acceptable in the past when options were limited and energy supplies were more plentiful, today, science and technology have given us new choices. But for reasons of corporate expediency, these options have been kept hidden from our view.

I am an aerospace engineer that has worked on the Space Shuttle, helped develop advanced automotive gas-turbine engines and project managed the development of commercial jet engines. In my career, I have seen scientists and engineers innovate and develop machines and systems of incredible complexity. Based on these experiences, I can never accept those who say our alternative energy options are limited, or that we are not prepared to implement decentralized energy systems. The only thing not prepared; is our focus, commitment, and will.

In reviewing the records of the Transmission Line Siting Committee Hearings, I believe the ACC Commissioners will find that the Intervenor's have effectively exposed the shortcoming and inappropriateness of TEP's proposal. And the Commissioner's will notice that an overwhelming majority of the people have spoken knowledgeably and articulately against TEP's proposal. I urge the Commissioners of the ACC to vote against the proposed 'Western Route'. Saying NO to TEP, still leaves options to address the needs of Nogales, yet buys us time to consider less harmful options for long-term power needs for south-central Arizona. We want to be empowered and part of the process, not beaten-down and cynical. TEP has only money to loose by submitting these proposals; the people and wildlife have everything to lose - forever. Commissioners: Give us options we can get excited about, and allow us to have a choice in taking responsibility for our own 'dream'. The dream of true energy independence. Thank you.

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## PROXY- PETITION FOR PUBLIC HEARING COMMENT

TO: Chairman William Mundell,  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

RE: Case 111, TEP/Citizens Tucson-Mexico Joint Transmission Line Proposal  
Public Hearings, Tucson, AZ December 12, 2001

Chairman Mundell: We the undersigned are unable to attend the above referenced public hearings; therefore, we have asked area resident Barton Santello to speak on our behalf, at the public hearing, in opposition to TEP's proposed "Western Route" through scenic rural areas and the Coronado National Forest. We the undersigned believe there are other less-environmentally damaging options that can be considered to supply Nogales with reliable power including the locally generated option. But most importantly, the environmental damage that would be caused by placing transmission lines on the West side of the Tumacacori Mountains is too great for it to be considered an option. We urge you to vote against TEP's proposal, to protect the land for future generations. Thank you.

1	Name: Monica A. Tilley	Signature: Monica A. Tilley
	Address: 4150 Tahoe Avenue	Date: 12/9/01
2	Name: Nicholas W. Tilley	Signature: Nicholas W. Tilley
	Address: BOX 274 ARIZONA, AZ 85601	Date: 12-8-01
3	Name: Angelina J. Tilley	Signature: Angelina J. Tilley
	Address: P.O. Box 716 Arivaca AZ 85601	Date: 12-9-01
4	Name: Melodie Buckenidge	Signature: Melodie Buckenidge
	Address: P.O. Box 462 Arivaca, AZ 85601	Date: 12/7/01
5	Name: KENT BALDWIN	Signature: KENT BALDWIN
	Address: P.O. Box 462 Arivaca, AZ 85601	Date: 12/9/01
6	Name: Kiri Logan	Signature: Kiri Logan
	Address: P.O. Box 100 Arivaca, AZ 85601	Date: 12/9/01
7	Name: Bruce Schaefer	Signature: Bruce Schaefer
	Address: P.O. Box 82	Date: 12-8-01
8	Name: Carolyn Morning	Signature: Carolyn Morning
	Address: P.O. Box 463 Arivaca	Date: 12/9/01
9	Name: Ling Buckenidge	Signature: Ling Buckenidge
	Address: P.O. Box 120 Arivaca AZ 85601	Date: 12/10/2001
10	Name: Richard A. Munnich	Signature: Richard A. Munnich
	Address: P.O. Box 393 ARIZONA AZ 85601	Date: 12-08-01
11	Name: HAL BUCKENIDGE	Signature: HAL BUCKENIDGE
	Address: P.O. Box 120 Arivaca AZ	Date: 12-08-01
12	Name: Robert W. Morning	Signature: Robert W. Morning
	Address: P.O. Box 463	Date: 12-9-01
13	Name: John C. Knox	Signature: John C. Knox
	Address: 14120 W. Sahara Rd Arivaca AZ 85601	Date: 12/8/01

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## PROXY- PETITION FOR PUBLIC HEARING COMMENT

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14	Name: Mark F. Dresang	Signature: Mark F. Dresang
	Address: P.O. Box 163	Date: 12/9/01
15	Name: Tom Kemper	Signature: Tom Kemper
	Address: P.O. Box 43	Date: 12/9/01
16	Name: Wendela Y.C. Dresang	Signature: Wendela Y.C. Dresang
	Address: P.O. Box 168	Date: 12-09-01
17	Name: Laura Hecox	Signature: Laura Hecox
	Address: P.O. Box 624	Date: 12/9/01
18	Name: Daniel Gall	Signature: Daniel Gall
	Address: HC 65 Box 7029 Arivaca AZ 85601	Date: 12/9/01
19	Name: Kelly Gall	Signature: Kelly Gall
	Address: HC 65 Box 7029 Arivaca AZ 85601	Date: 12-8-01
20	Name: Paula Parker	Signature: Paula Parker
	Address: P.O. Box 367 Arivaca AZ 85601	Date: 12-08-01
21	Name: Patricia R. Anderson	Signature: Patricia R. Anderson
	Address: P.O. Box 467 Arivaca AZ 85601	Date: 12/8/01
22	Name: Ed Anderson	Signature: Ed Anderson
	Address: P.O. Box 467 Arivaca AZ 85601	Date: 12/8/01
23	Name: Julie M. Anderson	Signature: Julie M. Anderson
	Address: Box 427	Date: 12/01/01
24	Name: Julie M. Anderson	Signature: Julie M. Anderson
	Address: Box 427	Date: 12/01/01

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PROXY- PETITION FOR PUBLIC HEARING COMMENT

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Name:	Address:	Signature:
1) Name: CORINA GERHANY	Address: Mailing: P.O. Box 209, Arivaca, AZ 85601 35800 S. GOLD MOUNTAIN TRAIL, ARIVACA, AZ 85601	Date: Corina Gerhany 12-7-01 ✓
2) Name: Rick Graymy	Address: Mailing: P.O. Box 209, Arivaca, AZ 85601 35800 S. Gold Mountain Trail, Arivaca, AZ 85601	Signature: Rick Graymy Date: 12-7-01
3) Name: Jay Leary	Address: P.O. Box 550 13560 W. UNIVERSAL RANCH RD Arivaca AZ 85601	Signature: Jay Leary Date: 12-8-01
4) Name: Paula B. Brewer, & P. Leslie Brewer	Address: P.O. Box 4550 13560 W. UNIVERSAL RANCH RD Arivaca AZ 85601	Signature: Paula B. Brewer, & P. Leslie Brewer Date: 12/8/01
5) Name: James R. Bradley	Address: P.O. Box 729 Arivaca AZ 85601	Signature: J. Bradley Date: 12-8-2-01 ✓
6) Name: Robert Frieschone	Address: P.O. Box 444 Arivaca AZ 85601	Signature: Robert Frieschone Date: 12-8-01
7) Name: EDWARD LEE MARSHALL	Address: P.O. Box 212 ARIVACA AZ 85601	Signature: Edward Lee Marshall Date: 12/8/01
8) Name: RAFFAELA OLIVIERO	Address: 17333 1st St. P.O. Box 4148 ARIVACA AZ 85601	Signature: Raffaella Oliviero Date: 12/8/01
9) Name: Gloria Williams	Address: P. 37951 W. WEDGEFORD Arivaca AZ 85601	Signature: Gloria Williams Date: 12-8-01
10) Name: [illegible]	Address: [illegible]	Signature: [illegible] Date: [illegible]
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**PROXY- PETITION FOR PUBLIC HEARING COMMENT**

TO: Chairman William Mundell,  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

RE: Case 111, TEP/Citizens Tucson-Mexico Joint Transmission Line Proposal  
Public Hearings, Tucson, AZ December 12, 2001

**Chairman Mundell:** We the undersigned are unable to attend the above referenced public hearings; therefore, we have asked area resident Barton Santello to speak on our behalf, at the public hearing, in opposition to TEP's proposed "*Western Route*" through scenic rural areas and the Coronado National Forest. We the undersigned believe there are other less-environmentally damaging options that can be considered to supply Nogales with reliable power including the locally generated option. But most importantly, the environmental damage that would be caused by placing transmission lines on the West side of the Tumacacori Mountains is too great for it to be considered an option. We urge you to vote against TEP's proposal, to protect the land for future generations. Thank you.

	Name:	Address:	Signature:	Date:
35)	CLAUDIA R. FAIRBANKS	5522 W. CINDY ST CHANDLER, AZ	Claudia R Fairbank	12-5-2001
40)	Sherri L. West	2500 W. Plata Ave. Mesa, AZ 85204	Sherri West	12/6/01
41)	Sam SEBRING	8536 E QUARTZ ST MESA AZ 85215	Sam Sebring	12/6/01
42)	Jim Kern	2802 E. Rockledge Rd, Phx AZ 85048	Jim Kern	12/6/01
	<del>LARRY M. BECKELMAN</del>			
43)	LARRY M. BECKELMAN	P.O. Box 85 ARIZONA, AZ 85601	Larry M Beckel-	12-7-01
44)	FRANCINE PIERRE	P.O. Box 94 ARIZONA, AZ 85601	Francia	12-7-01
45)	JOHN REGAN	POB 1035 ARIZONA AZ 85601	John Regan	12-7-01
46)	Jeanne Ferris	P.O. Box 94 Arizaca AZ 85601	Jeanne Ferris	12-8-01
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① Name: NANCY C FRICCHIONE	Signature: Nancy Frichione
Address: 35955 MESQUITE ST ARIZONA AZ 85601	Date: Dec 8-01
② Name: James H Johnson	Signature: James Johnson
Address: 16670 ARIZONA RD	Date: 12-08-01
③ Name: CHERIE TUCKER	Signature: Cherie Tucker
Address: 16200 PAMPANUE ARIZONA	Date: 12-8-01
④ Name: Nancy Tucker	Signature: Nancy Tucker
Address: 16000 Ranger Rd	Date: 12-8-01
⑤ Name: Roxanne Tucker	Signature: Roxanne Tucker
Address: 16200 PAMPANUE ARIZONA P.O. BOX 72	Date: 12-8-01
⑥ Name: Don Tucker	Signature: Don Tucker
Address: 16000 Ranger Rd	Date: 12-8-01
⑦ Name: John H. H. Day	Signature: John H. H. Day
Address: 6979 W. SACEDA DR. TUCSON AZ	Date: 12-8-01
⑧ Name: KATHLEEN C. MINNELLA	Signature: Kathleen C. Minnella
Address: 9813 E. 3RD St TUCSON AZ	Date: 12/8/01
⑨ Name: Janet M. Amachy	Signature: Janet M. Amachy
Address: 12615 W. SANDS ST TUCSON AZ	Date: 12-8-01
⑩ Name: Stanley Peter Bork	Signature: Stanley Peter Bork
Address: 16700 W. ARIZONA RD ARIZONA 85601	Date: 12/8/01
⑪ Name: Sarah B. Cook	Signature: Sarah B. Cook
Address: 16725 W. ARIZONA RD ARIZONA AZ 85601	Date: 12-8-2001
⑫ Name: [Signature]	Signature: [Signature]
Address: [Address]	Date: 12-8-2001
⑬ Name: [Signature]	Signature: [Signature]
Address: [Address]	Date: 12-8-2001

Santello, Barton E.  
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## PROXY- PETITION FOR PUBLIC HEARING COMMENT

TO: Chairman William Mundell,  
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⑬ Name: MARJORIE MILINOVICH	Signature: Marjorie Milinovich
Address: PO BOX 393, ARIZONA, AZ	Date: 12-8-01
⑭ Name: LANCE HANSEN	Signature: Lance Hansen
Address: PO BOX 41 ARIZONA AZ	Date: 12-8-01
Name:	Signature:
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APPENDIX II

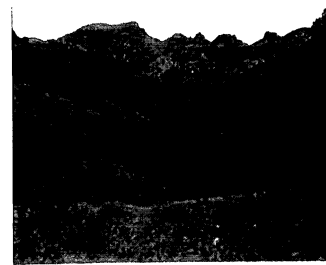
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## TUMACACORI – ATASCOSA HIGHLANDS

Proposed Wilderness Area

77,200 acres

These mountains are known for their spectacularly eroded, lichen drenched cliffs and undulating hills of grass and madrean oaks. The area is also an exceptional arena for the intermingling of sub-tropical and northern species plants and animals. The Atascosa mountains host an array of species that are absent or very rare further north, including the Tarahumara leopard frog, Brown vine snake, and Whiskered screech owl. Vegetation is primarily Madrean Oak Woodland, dominated by Mexican Blue and Emory oak. Semi-desert grassland covers the lower elevations, especially in the east, with Velvet and Western Honey mesquite comprising most of the woody cover. Riparian strips contain Velvet ash, Bonpland's and Desert willow, Arizona black walnut, Fremont cottonwood, and Desert hackberry among other water loving trees and shrubs. Chiricahua leopard frogs have been documented in Ramanote Canyon and a smaller tributary, Lion Canyon.



The Tumacacori – Atascosa Highlands is one of the largest, wildest roadless areas on the Coronado National Forest. Elevations range from approximately 3,500 to 6,440.

These highlands include the Tumacacori Mountain range in the north and the Atascosa Mountains to the south. Major vegetative types are Desert Grasslands, Chaparral and Madrean Oak Woodlands.

Cedar, Peck and Pine Canyon riparian areas and Atascosa ridge are considered to be special ecological and geological features of the area according to the Forest Service. The scenic value of the entire area is rated at the top of the scale by the Forest Service, in the Coronado National Forest Land and Resource Management Plan.

The topography of the area is a mosaic of rolling hills and deep draws cut by many steep, rough canyons. The surface is arid and rocky with little topsoil. Vegetation is not dense, but presents a pleasing pattern of golden grasses dotted liberally with green Oaks and Chaparral species. The visitor is presented with a climatically mild, colorful, spacious terrain of endless rolling hills and valleys in this truly beautiful area.

This area is very productive wildlife habitat, especially for Coues white-tailed deer and Javelina. This large expanse of wild roadless country serves as special wildlife habitat for larger species that cannot survive in smaller core habitat areas. Indeed, *Canis lupus baileyi* – the Mexican gray wolf, once existed in this wild area in great numbers.

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Archive Site for State Department information prior to January 20, 2001.  
 This site is not updated.  
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## Biosphere Reserves in Action: Case Studies of the American Experience

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### INTERNATIONAL SONORAN DESERT ALLIANCE [Click here for MAP](#)

The International Sonoran Desert Alliance, a recently incorporated tri-national and tri-cultural organization, is seeking to promote cooperative protection of resources, ecologically sound economic development, and improved responsiveness of public policy to local needs and is applying research and local indigenous knowledge to issues and needs. The story is remarkable for the sizeable barriers it has overcome. Despite the three nations and three languages, an international border dividing developed and developing economies, and uncontrolled development of a sparsely populated area spread over five million hectares, progress to date has been impressive.

### I. AREA DESCRIPTION

The transborder region of southwestern Arizona and the adjacent areas in Sonora and Baja California Norte in Mexico contain a cluster of three biosphere reserves (BR)--Organ Pipe Cactus National Monument (ORPI) in the United States and El Pinacate y El Gran Desierto de Altar and Alto Golfo de California y Delta del Rio Colorado in Mexico. According to UNESCO classification, the biosphere reserves are in the Sonoran biogeographical province of the warm desert/semidesert biome.

Much of the northern part of the area has basin and range topography with uplifted block type mountain ranges of volcanic origin. To the south are the volcanic craters of the Pinacate lava fields; several mountain ranges; the extensive high dunes of the Gran Desierto; and the riparian, estuarine, and marine areas of the northern Gulf of California. This is one of the world's most biologically rich warm deserts. The diverse fauna includes particularly large numbers of small mammals and reptiles. The flora includes a remarkable variety of succulents, including the columnar cacti, the Organ Pipe and Saguaro, which are widely recognized symbols of the Sonoran Desert region.

The area has been occupied by indigenous people for over 10,000 years, most recently by the Hia-Ced and Tohono O'odham who have lived here since pre-Columbian times. Father Kino arrived in the 17th century and established a mission near Sonoyta. European exploration continued into the 19th century, with one noteworthy explorer, R. W. H. Hardy. The first permanent white settlers were cattle ranchers and miners who moved to the area in the late 19th century. The rise and demise of the copper industry, steadily increasing tourism, recent development of agriculture in the Sonoyta Valley, and attractiveness as a retirement location have influenced current settlement patterns. The area is sparsely populated with a few communities located at some distance from each other.

### II. MAJOR ISSUES

The most significant issues are dealing with projected population growth and developing a regional economic base that includes an ecologically sustainable mix of traditional and contemporaneous land uses. Of particular concern are the actual and potential effects of the changing U.S.-Mexico trade relationships on the development of a sustainable regional economy.

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Within the BR's zone of cooperation, the principal concerns are maintaining the traditional dry land farming and ranching practices of indigenous people, supporting ecologically sustainable commercial agriculture and farming in Mexico, and accommodating expanding tourism and establishing an economic base for small businesses in U.S. communities. Potential implementation of the North American Free Trade Agreement provides a strong catalyst for regional planning to accommodate anticipated needs for highway improvements, industrial and residential development, and tourist services in ways that enhance the well-being of the region's people without degrading the health and diversity of its ecosystems. The rural region lacks an effective governmental framework for coordinating economic development and environmental protection. Increasing recognition of their vulnerability to the effects of rapid change has increased the interest of residents in identifying their shared regional interests and in working together to define their collective future.

### III. BACKGROUND

The transborder region of northwestern Sonora and southwestern Arizona has long been the focus of conservation interest in both the U.S. and Mexico. Established in 1976, the 133,278 hectare Organ Pipe Cactus BR was among the first designated in the U.S. By the late 1970's, Mexico's biosphere reserve program was well underway, although it was nearly 20 years later that two recently designated BR's were established in the state of Sonora. In 1982, a bi-national workshop of scientists and managers proposed the idea of a Sonoran Desert Biosphere Reserve.

In 1988, the Friends of PRONATURA (FPN) and ORPI held a conference that brought together Mexicans, O'odham, and other U.S. residents in an effort to identify mutual needs and interests compatible with the BR concept. With the assistance of the Sonoran Institute, a non-profit organization that seeks to reconcile conservation and development needs, residents in the BR zone of cooperation have established the International Sonoran Desert Alliance (ISDA).

### THE INTERNATIONAL SONORAN DESERT ALLIANCE

- \*Open to all BR stakeholders
- \*Grew out of need for new regional economic base
- \*Overcame apathy and distrust
- \*Developed recognition of regional interdependence
- \*Created regional identity
- \*Well supported by Mexicans, Indian Nation, and other U.S. residents
- \*Building expanded BR program that will integrate conservation, research, education, and sustainable use

A 12-member governing board consisting of four residents each from Mexico, the U.S., and the O'odham nation was elected to office in January 1994 and will serve to guide ISDA whose membership is open to all residents in the region. Public officials are not members of ISDA but serve in an advisory capacity. The concerns of ISDA are:

Consensus building and information sharing about ecologically sound economic development and shaping public policy to better serve a region divided by an international border.  
 Developing a framework for cooperation among the protected areas in the BR  
 Expanding the scope of the BR program to include environmental education and go beyond traditional scientific studies to addressing a broad spectrum of regional needs and concerns.

### CHRONOLOGY FOR ESTABLISHMENT OF SONORAN DESERT BIOSPHERE RESERVES

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<p>1960's to early 1970's Various proposals for establishing national and international parks discussed, but not implemented.</p> <p>1976 UNESCO designates ORPI a biosphere reserve.</p> <p>1977 Mexico establishes BR as a legal protected area category.</p> <p>1980 Governor of Sonora begins study of Pinacate region as a possible BR.</p> <p>1982 National Park Service (NPS) completes regional science program assessment. Regional meeting proposes further study of Sonoran Desert BR with units in U.S. and Mexico.</p> <p>1986 ORPI dedicates Sonoran Biosphere Reserve Center and launches sensitive ecosystems research program.</p> <p>1988 First International Symposium on the Pinacate, sponsored by the Sonoran-Arizona Commission and FPN.</p> <p>1989-90 FPN documents broad support for BR concepts and proposes regional consultative forum. NPS incorporates BR into general management planning process for ORPI.</p> <p>1992 Sonoran Institute (SI) and FPN coordinate a regional forum, offered by the Lincoln Institute of Land Policy, on regional land-use change and BR's.</p> <p>1992-3 SI and FPN established ISDA to coordinate participation in BR program. Two BR's are established under Mexico's federal system; nomination now being considered for inclusion in UNESCO BR system.</p> <p>1994 ORPI received \$300,000 appropriated by Congress to further the ongoing efforts of ISDA.</p>	(See Appendix A for a more detailed history of BR's in the Sonoran Desert.)
<b>IV. IMPLEMENTATION</b>	
<p>The BR program began with a focus on conservation, education, and scientific activities within the ORPI BR. The park was one of the first to routinely include regional BR concepts in its public interpretation programs through a variety of media, including brochures (in Spanish and English), slide presentations, and ranger programs which emphasize ORPI's relationship to the surrounding ecological and multicultural region. BR status was an important factor in launching the Sensitive Ecosystems Program in 1986. This long-term program of inventory, monitoring, and research has collected information on the status of flora and fauna (including rare and endangered species), documented adjacent land-use trends, and initiated development of a geographic information system in cooperation with adjacent land managers.</p>	
<p>In recent years, the BR program has increasingly pursued an ecosystem approach in understanding the co-evolution of people and the desert. The geographic scope of the research has expanded to include neighboring lands and involved researchers from both sides of the border. Important emphases include comparative ecology, risk assessment, ecosystem restoration, and watershed management. Recent studies by NPS and Mexican scientists on regional hydrology and irrigation practices on commercial farms have documented withdrawals far in excess of natural recharge. The project has strengthened the scientific basis for restructuring agricultural practices to reduce water use and contributed to a moratorium on drilling of new wells in the Sonoyta Valley adjacent to ORPI. These and other projects have helped provide the scientific basis for regional land-use planning and for improving the ability of area residents to make informed decisions on the use of their land.</p>	
<p>ISDA provides the mechanism for expanding the BR program to involve an ever increasing number of regional interests. The ISDA serves as a regional cooperative that empowers its members to achieve community goals compatible with maintaining a healthy desert ecosystem. During the past several months, ISDA has collected information about regional economic trends, started work to change border management practices, and obtained funding for an environmental education program.</p>	
<p>ISDA will seek incorporation as a non-profit with IRS 501(c)3 status. ISDA will act as an independent, international body that will guide future activities in the region. Incorporation as an asociacion civil in</p>	
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Biosphere Reserves in Action: Case Studies	<a href="http://www.state.gov/www/global/ocsc/caseb.htm">http://www.state.gov/www/global/ocsc/caseb.htm</a>
<p>Mexico, a counterpart to the U.S. non-profit designation, is now being pursued. Public officials from federal, state, local, and tribal governments will serve in an advisory capacity to the ISDA Board of Directors. The funds received from Congress by ORPI in 1994 are specifically for the following projects and are underway.</p>	
<ul style="list-style-type: none"> <li>* Produce an action plan based upon the results of the ISDA conference held in January 1994, addressing health care, environmental education, tourism, protected areas, information exchange, trade and transportation, and economic development.</li> <li>* Organize and carry out a series of public workshops to be held in rural communities and ejidos throughout the region to present the ISDA action plan.</li> <li>* Carry out training programs in institutional management and similar needs.</li> <li>* Produce materials informing resource managers and the public about conservation and economic development needs and activities in the western Sonoran Desert.</li> <li>* Prepare a report assessing the historical, present, and projected economic activity in the region surrounding ORPI, including the role of tourism and other "clear" or non-extractive industries, and outline alternatives for sustainable economic development.</li> <li>* Develop and carry out an environmental education curriculum for school children in Arizona, O'odham Nation, and Sonora. This multicultural curriculum will emphasize the unique heritage of the region, human impact on the natural environment, and changing land uses over time. Educators for the United States, Mexico, and Tohono O'odham school districts will participate. This includes program development, teacher training, and field trips.</li> <li>* Prepare a report assessing the feasibility of establishing a facility that will serve as a center for interpreting the natural and cultural resources of the region and encourage bi-national cooperation in research.</li> <li>* Prepare and widely distribute an easily accessible, well-illustrated, succinct report identifying the region's natural, cultural, and economic resources and explaining the collaboration among resource managers, residents, and other organizations.</li> <li>* Inventory and analyze the status of mapped (digital and non-digital) information of the natural, cultural, and economic resources of the region. Prepare a report identifying known information relating to regional resources including detailed regional thematic maps (i.e., land use, vegetation, etc.). Produce a catalog of regional spatial data and resource information sources. Gather digital data and make available for use with ongoing planning, management, and research in the region. Identify gaps in the existing regional database and provide recommendations regarding future data acquisition.</li> </ul>	
<b>V. BENEFITS, CONSTRAINTS, AND OPPORTUNITIES</b>	
<p>The primary benefit enjoyed by all BR stakeholders is their collective ability to shape and benefit from the expanded BR program. ISDA offers a forum for building a common understanding of the ecosystem and for resolving conflicts associated with the management and development of resources. By encouraging communication among people who have traditionally not spoken with each other, ISDA is building recognition of the BR as a meaningful concept of practical value in their lives. As the ISDA's Board of Directors continues to plan and implement activities that persuade remaining skeptics of its good will and effectiveness, the BR will become increasingly relevant to its members and to those it serves.</p>	
<p>The recently designated BR's in Mexico offer a means to develop coordinated research and information systems with U.S. land managers to help define goals and objectives for cooperative management.</p>	
<p>The new federally designated biosphere reserves in Mexico will attract cultural and ecotourists. The BR program can provide information to help communities take advantage of opportunities to encourage and accommodate increased tourism in ecologically sustainable ways. For example, the Chamber of Commerce of Ajo in the U.S. has received small grants and attracted new enterprises that increased visitation to the</p>	
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area for nature-oriented activities such as night sky watching.

Developing effective communication and an atmosphere of mutual trust and understanding is a long-term process. Diverse cultural backgrounds, philosophies, and languages among BR participants are constant reminders of the tri-national aspect of the region. Federal agency managers and residents of the BR are still learning to be open and comfortable with each other.

Lack of funds for ISDA to administer the BR program on behalf of its stakeholders remains an important constraint. More active participation by governmental agencies (other than the long-involved NPS) in program planning and implementation will also be needed.

#### VI. OBSERVATIONS

The International Sonoran Desert Alliance story is remarkable for the sizeable barriers it has overcome. Three nations, three languages, an international border, people spread over five million hectares, a depressed economy, and the imminent threat of uncontrolled development could not prevent the establishment of an alliance that has put the people more in control of their own destiny. Fundamentally a private, grass-roots initiative, ISDA has begun to find ways to improve the economic situation of the people living in the region while furthering the goals of nature conservation and environmental protection. ISDA relies upon its partners in BR protected areas for assistance in research and educational activities. Incorporating regional sustainable land use into a very successful conservation and research based BR program has produced a framework for fully implementing the BR concept.

The BR program is working well in the Sonoran Desert because:

- BR managers are willing to join as partners with ISDA in advancing the BR program, without taking a lead role.
- ISDA grew out of a private, mostly local, initiative which has succeeded in building self-confidence and self-reliance among its members.
- ISDA was able to build a regional identity and a common understanding and support for the BR program.
- A well-established scientific database has supported a number of projects outside the protected areas of the BR.

Ultimately, the successes noted and yet to come are due to dedicated and effective leaders. For more than 10 years the superintendent of ORPI has committed himself to integrating BR concepts into planning, research, public education, and management involving ORPI in its relationships with its neighbors. He has contributed funds and other types of support to efforts that have resulted in the new BR's in Mexico and the ISDA. The leaders of FPN and SI worked in partnership to bring together a population with a few commonalities and many differences.

#### PRINCIPAL CONTRIBUTORS

Harold Smith, Superintendent, Organ Pipe Cactus National Monument  
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#### APPENDIX A: HISTORY OF BIOSPHERE RESERVES IN THE SONORAN DESERT

Organ Pipe Cactus National Monument was officially designated a biosphere reserve in 1976.

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Unlike the United States where BR status entailed no legal obligations, Mexico established biosphere reserves by law as a separate legal category of protected area managed for conservation, research, sustainable economic uses, and local participation. Around 1980, the governor of Sonora sponsored resource studies for assessing the Pinacate region as a potential biosphere reserve.

During the early 1980's, the National Park Service prepared a history of scientific study for the ORPI area. In 1982, a bi-national workshop of scientists and managers reviewed the study, recommended future research directions, and proposed that the concept of a Sonoran Desert Biosphere Reserve, with areas in both countries, be considered for strengthening regional scientific cooperation.

In the mid-1980's, delays in the nomination of the Pinacate Biosphere Reserve in Mexico provided a catalyst for interagency meetings to explore possibilities for developing a regional BR program in the U.S. Linking ORPI with the Cabeza Prieta National Wildlife Refuge and perhaps other adjacent areas was recommended. To provide a base of operations for scientific cooperation, ORPI dedicated a facility near the international border crossing as the Sonoran Desert Biosphere Reserve Center. The park also initiated a major cooperative interdisciplinary research program to assess the status of sensitive ecosystems and support ecosystem management. However, the federal agencies (Department of Defense, Bureau of Land Management, Fish and Wildlife Service, and National Park Service) involved did not act on the BR expansion proposal.

In 1988, U.S. MAB provided a small grant to Friends of PRONATURA to study applications of the biosphere reserve concept in the region. (FPN is a U.S. non-profit organization established to assist its Mexican counterpart PRONATURA in promoting education, research, and information dissemination on environmental issues affecting southwestern North America). During the following year, FPN's president successfully expanded the discussions on the biosphere reserve to include leaders of the Tohono O'odham and local communities, state and local governments, and nongovernmental organizations. These efforts fostered a willingness to explore further the role of the BR in empowering these parties to work more effectively together in addressing shared problems. In 1990 FPN and SI, with support from several agencies and organizations, proposed a regional town hall meeting to enable more than 40 potential BR stakeholders to define the geographic area for cooperation and to develop a coordinating structure for maintaining future dialogue. A regional forum on land-use changes in the Western Sonoran Desert Border Area was held in October 1992. The forum focused on many complex issues, including the potential environmental and socioeconomic effects of the North American Free Trade Agreement, and expanded communication among interested agencies, organizations, and citizens on BR concepts and how to implement them.

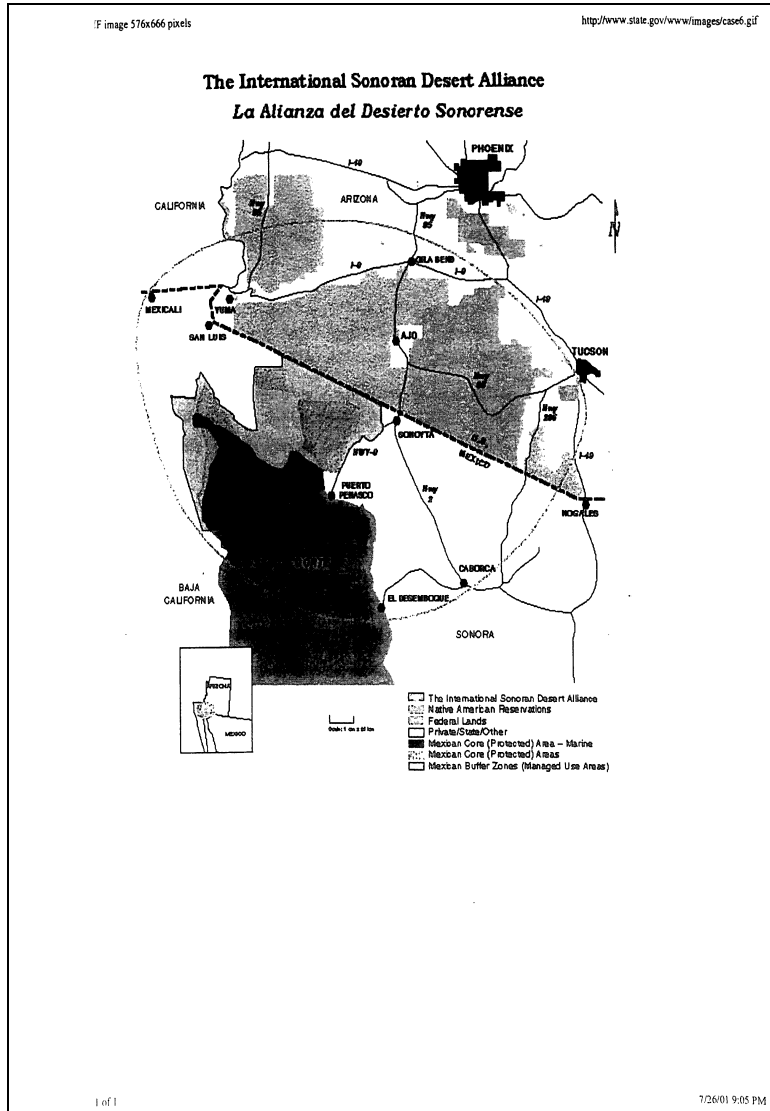
Following the forum, SI and FPN organized a series of informal meetings through which area residents agreed to establish the International Sonoran Desert Alliance. ISDA's broad mission is to promote international and multicultural information sharing and consensus-building at the grassroots level within the context of a regional biosphere reserve program.

In Mexico, government officials in Sonora and Mexico City have accelerated efforts to implement BR concepts. In October 1988, the First International Symposium on the Pinacate brought 220 participants to focus on regional resource issues and strengthened interest in establishing a BR in the Pinacate region. A series of meetings and conferences followed which led, in the spring of 1993, to the establishment of two federally protected BR's in Mexico with a total of 1.7 million hectares. El Pinacate y El Gran Desierto de Altar BR has two core areas--302,000 hectare Sierra El Pinacate y Bahía Adair and 42,000 hectare Sierra del Rosario, Alto Golfo de California y Delta del Río Colorado BR has one core area--160,620 hectare Ciénega de Santa Clara. Mexican law requires that management plans for the BR zone of managed use be developed within one year after declaration. The plans are currently being developed with several academic and conservation groups in Sonora.

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*September 2001*

**Permillion Flycatcher**

Tucson Audubon Society  
Leaders in Conservation & Education since 1949

Volume 46, Number 1 ISSN 1094-9909

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**Power Line Threat to Sycamore Canyon**

by Mary Kasulalis,  
Member of Friends of Sycamore Canyon

Tucson Electric Power (TEP) has proposed to build a 345kv power line through a virtually untouched area of Southern Arizona known as the Atascosa Highlands and immediately adjacent to Sycamore Canyon, one of the birding hot spots on the route between Patagonia and the Buenos Aires National Wildlife Refuge at Arivaca. Sycamore Canyon is within the Gooding Research Natural Area, which is within the Pajarita Wilderness, Coronado National Forest, 26 miles west of Nogales in Santa Cruz County, Arizona on the Ruby Road. Sycamore Canyon has a perennial stream, which is intermittent in places, flowing eventually into the Sonora River in Mexico. Big sycamore, Gooding willow and black walnut can be found here. Walking perhaps a quarter mile downstream from the parking lot at Hank and Yank Spring, the canyon walls begin to rise steeply around you, forming spires and craggy cliffs. As you go down the canyon you will pass through a number of different ranges and their corresponding bird species. Rose-throated Becards, Elegant Trogons and tropical species from the south can be found here, including, reportedly, the cactus. See SYCAMORE CANYON on page 4

**Mt. Lemmon Hotline for Road Repair Status**  
751-9405

**Patagonia Roadside Rest Area - Birding Site Still at Risk**

by Linda Kennedy  
Assistant Director  
National Audubon Society Appleton-Whittell Research Ranch

If you've ever visited the Roadside Rest area south of Patagonia on Highway 82, you know the area is not only beautiful, but rich in bird species including the Rose-throated Becard, the Thick-billed Kingbird, and the Violet-crowned Hummingbird. Enjoy it while you can. The Arizona Department of Transportation (ADOT) declared the site a severe rock fall hazard. According to the ADOT rating scale, the potential that some day a rock will fall and hit a vehicle or cause an accident is sufficient to move the highway towards Sonoita Creek and to restructure the cliff. Despite the fact that there have been no reported injuries or accidents at the site, and despite the strong local sentiment to leave the site alone, plans are being developed that could radically alter the area. In response to emphatic criticism of ADOT's plans by local residents and members of the birding community, a group of citizens has been meeting with members of ADOT and their consultants to explore options. Members of the citizens' committee See PATAGONIA on page 5

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4 Vermilion Flycatcher

Tucson Audubon Society

September 2001

**SYCAMORE CANYON –**  
**continued from page 1**

Ferruginous Pygmy Owl. R.C. Taylor's *A Birder's guide to Southeastern Arizona* has a good description of the Canyon. The annual Christmas bird count is done in this area, and there is a summer butterfly count here too.

In the canyon bottom and cliff faces can be found unusual ferns, fungi and lichens. Botanist Leslie Goodding campaigned for the protection of Sycamore Canyon, as he realized the value of the unusual habitat found here. He called it "a natural botanical garden." Native fish, including the endangered Sonoran chub, inhabit the waters. Upstream from Sycamore Canyon, the watershed that feeds Sycamore is known as Bear Valley. The watershed is crucial for the protection of Sycamore Canyon, and the Forest Service has spent years gradually increasing the protection, limiting grazing, fencing off areas, and most recently constructing a bridge.

The next canyon to the west is California Gulch, where Five-striped Sparrows can be found. Ruby mining camp is at the top of that watershed.

TEP has chosen the "Western Route" as its preferred route for a power line through Nogales into Mexico. To go into Mexico it needs a Presidential Permit from the Department of Energy. Once built, power could travel either way, north or south. The power line would travel from Sahuarita west of Green Valley to the Arivaca-Amado road, go west for a few miles and then make a turn to the south at about milepost 18. From there it would go south along the foothills of the Tumacacori Mountains past Bear Grass Tank, through Apache Pass, to Sycamore Canyon, skirting the

Pajarita Wilderness and Atascosa Peak. It would follow the Ruby Road to Peña Blanca Canyon and go around Castle Rock, (in front or behind, they haven't decided yet) and from thence to Nogales. In this rugged area it will probably have to be a lattice style pole, not just single poles. There are virtually no people on this Western Route, only beautiful scenery, wildlife, and very few roads. The lack of roads and rugged terrain is what has saved this area in the past. There is nothing now to mar your view – no power lines or gas lines at all.

This is part of the Sky Islands group of mountains and is a natural corridor from Mexico for the migration of birds and interesting species like the jaguar. Herbalists find special plants growing in this area. In the early 1990s the Atascosas were considered wild enough for reintroduction of the Mexican wolf. The stream that flows through Sycamore Canyon has been designated as one of the wild and scenic rivers. Further along the route, Peña Blanca Canyon will also be impacted. It has some of the same characteristics as Sycamore. The Tarahumara Frog was once found here.

Most of this route is through the Coronado National Forest, but the Environmental Impact Statement will not be done until the Arizona Corporation Commission approves a route. Another route, the "Preferred Alternate Route" would go down the Santa Cruz Valley. Neither of these routes is preferable to the other, but the Alternate passes by more people in the vicinity of Tubac, who, of course, also object to a power line in their neighborhood. However, consolidation of infrastructure, rather than dispersal into unspoiled areas, is a consideration.

A power plant at Nogales is being proposed by the Maestros Group, which would remove the need for this power line. The Western Route has few people whose homes are threatened, but the wildlife there needs our voice. This is truly one of those last best places!

The Sierra Club, Grand Canyon chapter, has come out against the project. Some local concerned citizens have formed the Friends of Sycamore Canyon. Letter writing is very important. The DOE deadline is the end of August, 2001, but all parties below would probably take comments until the end of September. For more information, you may contact Mary Kasulaitis at: rmkasulaitis@msn.com; 520-398-2344 or: Barton Santello at: bsantello@aol.com. The Friends' address is P.O. Box 613, Arivaca, AZ 85601.

Please contact the Forest Service, the Department of Energy, and the Arizona Corporation Commission and let them know that you oppose the TEP proposal to damage these natural areas in Santa Cruz County, Arizona: Sycamore Canyon, the Pajarita Wilderness, Bear Valley, and Peña Blanca Canyon.

Mr. John McGee, Forest Supervisor,  
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Dr. Jerry Pell  
 Ms. Ellen Russell

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APPENDIX III

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Desert Homestead  
*Transmission Lines Don't Belong Here*

No place is sacred they say. That statement is especially true if there is a profit to be made. Arivaca is not exempt from the shortcomings of human nature, where rural areas simply looked upon as untapped resources waiting for the right set of conditions to develop.

The proposed transmission lines by Tucson Electric Power (TEP) will stretch from Sahuarita to Nogales, on the Arivaca side of the Tumacacori Mountains. Huge 140-foot structures will be erected to support cables carrying 345,000 volts along the boundary of Pima & Santa Cruz counties just east of residences in the 40's. Cutting a 125' wide right-of-way scar along its path through the mountains near Apache Pass into the Coronado National Forest, this eyesore will surely ruin people's sense of wilderness and chance to soak in the unblemished natural landscape. The proposed route continues south crossing the Ruby Road, then turns east toward Nogales at the northern boundary of Pajarita Wilderness and beautiful Sycamore Canyon.

TEP claims that the purpose of the transmission lines is to provide needed power to Nogales. But the large power capacity of these lines, suggest additional motivations. With deregulation of energy in full swing, the prospect of selling power to Mexico is a business opportunity for the utility company. It's about moving power around a grid to the highest paying customer. The focus and excitement of the electric industry now, is the business of buying and selling power to new major markets. The transmission lines will have nothing to do with Arivaca.

Further troubling would be the potential building of power plants just across the border in Mexico, where the environmental laws are nonexistent. Some see cheap power flowing back across the border, but it could also mean that the prevailing winds may someday carry foul air and acid rain into Arivaca and the rest of the southwest. If Nogales needs power, they should build their own power plant locally. Why should a corporation be allowed to scar public lands and a beautiful national forest, simply because it looks good on a financial sheet? National forests have been selected for their visual beauty and biological uniqueness. The needs of the many should outweigh the 'greed' of the few. At the time of this writing, I found it quite ironic and sad to hear the Bush administration is in the process of proposing legislation, as part of their national energy plan, to enact new laws to make it easier for the federal government to seize private property, in order to open up construction corridors to run pipelines and power transmission lines.

Even more shocking, buried in one of the proposals, is a government request to install television cameras for 30 miles on these structures to watch for illegal border activity. I see that as a visit from 'the helicopter' every time you're taking a walk in the desert, or 24-hour surveillance of your property for those who live on the east side of the 40's, within sight of a power line. Being watched while recreating in a national forest, or wilderness area, is an unthinkable government intrusion of privacy.

I attended the public hearings in Phoenix on May 17th and was grateful to have had the opportunity to speak against the proposed transmission lines. My public comment in front of the Arizona Corporation Commission had nothing to do with the technical merits of the transmission line proposal. I left that to others. My arguments were philosophical. I found it interesting that maps of the route provided at the hearings by those in favor of the transmission lines conveniently did not show the town site of Arivaca. And the aerial photos seemed to be taken in a manner to visually minimize areas where people were living along the proposed path of development.

Transmission lines do not fit into the direction where energy technology should be heading. Transmission lines are a product of the 'industrial age'. We should now be thinking in terms of the 'information age'; where words like decentralization, wireless, conservation and renewable, better fit a future world of sustainable energy systems.

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*Transmission Lines Don't Belong Here*

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Power generation should be adapted to regional and local sources of energy. Examples: Arizona should be focused on solar power; whereas, Kansas may be better suited for wind generation; Hawaii for geothermal energy; and Maine for tidal power. Much of the problem behind the shortage of power in this country is that energy is taken for granted. People can buy whatever electric equipment they want and simply plug it in. The power is waiting at the doorstep. But the power comes at an ever-increasing price. And the longer one works because of their dependency on 'centralized' energy, the less time one has to enjoy life.

What is transformative about a personal solar or wind power system is that one can take responsibility for the power they use. On a renewable system, each appliance purchased, every light bulb illuminated and every decision to use power, is considered for efficiency and necessity. If you install a renewable power system to meet your needs and budget, the conscious use of energy becomes the mechanism for you to live an energy independence lifestyle.

Many Arivacian's that have chose to live in this area, have been willing to make sacrifices. Some people still go without electricity and telephone as a tradeoff to enjoy the scenic beauty and peace of mind that comes with living in a rural area. Those who have taken responsibility to generate 'off-the-grid' power through solar, wind or other renewable means, would probably find it offensive and spiritually degrading to have to look at transmission lines from their homesteads. For most people that live sustainably, it would be a contradiction of everything they believe in. On a larger scale, it's a corporate invalidation of the use of clean renewable energy resources that this country needs to be truly energy independent.

Transmission lines would symbolize the beginning of a slow erosion of the environment and sense of freedom around Arivaca. These structures simply don't belong here and represent the antithesis of the natural surroundings. For those who came here to be part of something different, I could see the power lines creating a psychological wound on the spirit of the people.

As the nation's population continues to grow, urban centers become congested and work consumes more time and life, people will need to get away into nature and rediscover that they are human. Our wilderness areas and national forests are special places set aside for this purpose. Towns found at the end of a long twisting road, provide solace from the stresses of urban life. Areas rich in ancient Native American culture or the recent past where ranchers, prospectors and farmers set roots, conveys a sense of history and common heritage. And quiet places where people can hike, bike, bird watch, camp under the stars, view wildlife and take pictures, allow exploration and a chance to provide educational, athletic and creative outlets.

There were other routes proposed for these transmission lines, but it seems that the power brokers are thinking that the little town of Arivaca can easily be rolled-over by the industrial machine. The corporate suits obviously haven't yet dealt with any Arivacian's.

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*Transmission Lines "I" - Democracy "0"*  
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As I listened to the Arizona Corporation Commission (ACC) hearings by a special dial-in telephone line on January 3<sup>rd</sup>, 2002, I could only visualize the image of a giant rubber-stamp pressing down upon a stack of bureaucratic documents as the Commissioners of the ACC unanimously approved the recommendations of their Power Line Siting Committee, and issued a Certificate of Environmental Compatibility (CEC) for Tucson Electric Power (TEP) & Citizens to construct massive transmission lines across rural Arivaca into the unspoiled Coronado National Forest, then onward to Nogales and Mexico. Earlier last fall the ACC's Power Line Siting Committee voted to recommend the so-called "Western Route", over two other proposed routes through Green Valley. After a year of extensive hearings, public comment, and seeing TEP/Citizen's proposal being ripped to shreds from every angle, by sharp and dedicated "Interveners" (volunteer community activists), it was obvious nobody in the Commission was 'hearing' the message brought-forth by 95% of the people. That message was clearly: We do not want power lines; we want other choices.

When someone goes to the county building department to file a permit for a house, they must submit a blueprint, specifications and complete all the required forms. If the plan and paperwork does not satisfy all the requirements of the state and county, the application is not even considered for acceptance, and you have to keep coming back until it meets exact codes. TEP's proposal, as submitted to the ACC, seems more like an outline, than a well-defined document. The proposal asked more questions than it answered; yet as far as the state is concerned, the details were a secondary matter. The other more disturbing aspect of this whole proposal is that no corporate official from TEP or Citizens has ever appeared before the public in the path of these transmission lines to explain the scope of the project, or, justify the environmental impact. They have remained shadow figures, protect by state and corporate laws from accountability to the people. If that isn't absurd enough, now think back to that person going to get their building permit and the irony of the Fascist nature of that oversight process including the excessive fees. And pity the poor individual who wants to build a simple home, on his or her own land, 'without' a permit. They would have the full weight of the government on their ass, including fines and civil action. All the while TEP could be building power lines over their heads and there would be nothing they could do about it.

It was clear to the slightly more-than-casual observer that TEP's proposal failed to deliver acceptable levels of accountability, quality, completeness and integrity. This can best be illustrated by the fact that the Commissioners at the decision hearing on 3 January 2002, were still asking TEP what type of structures (lattice or monopole) were going to be installed along the route. This was the final irony. It is the type of pole that determines the amount of blasting conducted in the mountains; equipment transported along the length of the lines; and the size of roads that have to be built through the wilderness. Think of the potential damage to our national forest? Yet the ACC Commissioners on that day gave TEP a Certificate of "ENVIRONMENTAL" Compatibility, before they knew the exact specifications of one of the most basic building components of the project!

This whole mess started because someone or some entity in Nogales filed a complaint, under state law, to the ACC stating that Nogales had unreliable power. The ACC compelled by its state charter, mandated that Citizens rectify the situation by installing a second redundant 115 kV power line to increase reliability. TEP, smelling a business opportunity by the unfolding events, approached Citizens with a scheme to submit a joint-venture proposal for massive 345 kV transmission lines, that not only could supply power to Nogales, but would continue-on into Mexico and connect into the Mexican grid. TEP said they want to sell power to Mexico (using America's fuel and water resources - what about OUR energy crisis?); but possibly the transmission lines are really for yet-to-be-built powerplants in Mexico along the border, to ship power north, along with smog clouds and acid rain within the prevailing winds and monsoons.

Moving power along transmission lines, must be a big money concept for these utility companies, considering it will cost over \$70 million just to construct the lines. Power is a commodity, now traded on security exchanges like coffee, wheat or gold. The companies that own their lines can charge the equivalent of a toll for other utilities to move power through their grid (turf). TEP/Citizens must be salivating at the potential for transmission lines connected from Mexico to the entire western electrical grid. However for the consumer, connecting to a national grid may mean that a power plant, even in your backyard, may be no guaranty that you will have power, unless you pay what the financial markets dictate. And if you don't, the energy will be distributed to the state willing to pay the price. Look at California as an example.

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Tucson Electric Power has 3 hoops to jump through, and they made it through the first one with the ACC decision of 3 January 2002. The battle now moves to the Department of Energy (DOE) and National Forest Service (NFS). Any company proposing to build an electric transmission line across the international border must first obtain a Presidential Permit from the DOE. The National Environmental Policy Act of 1969 (NEPA) requires federal agencies analyze the environmental impact of such projects that may significantly affect the quality of the human environment along with the range of reasonable alternatives for the proposed action. Federal executive orders provide that a Presidential Permit may be issued after finding that the proposed project is consistent with the public interest. In determining consistency with the public interest, the DOE considers the impacts of the project on the reliability of the U.S. electric power system and on the environment. For these reasons, Tucson Electric Power is preparing an Environmental Impact Statement (EIS). The EIS will be administered and reviewed by the Department of Energy. This is our next opportunity to defeat this proposal using existing environmental laws to protect species, the environment and the health and welfare of people. A draft copy of the EIS for public comment will be available soon.

Finally, we must encourage the National Forest Service to deny TEP/Citizens a "Use Permit" to use the Coronado National Forest as a right-of-way for their transmission lines. If TEP cannot go through the national forest, their project is dead in the water.

In reviewing the records of the Transmission Line Siting Committee Hearings, I can't believe that the ACC Commissioner's did not see the shortcoming and inappropriateness of TEP's proposal. And that the Commissioner's overlooked the fact that an overwhelming majority of the people had spoke knowledgeably and articulately against TEP's proposal. The Commissioner's could have took the politically bold step and voted against the proposed 'Western Route'. Saying "no" to TEP, would have still left options to address the needs of Nogales, and would have bought us time to consider less harmful options for the long-term power needs for south-central Arizona. The people want to be empowered and part of the process, not beaten-down and cynical trying to fight political and corporate shadow figures and ghosts. TEP has only money to loose by submitting these proposals; the people and wildlife have everything to lose, forever.

People in communities all over this country are fighting the exact same "David vs. Goliath" battle as we are. One transmission line standoff in the Jefferson National Forest of Virginia has been in the courts for 11 years. An appropriate quote here would be from a Native American medicine woman named Florence Jones of the Wintu Indian Tribe in Mt. Shasta, Washington. Her tribe's land, in the 1800's, had the misfortune of being rich in mineral deposits. As prospectors poured in, the tribe was not only displaced, but also massacred, as bounties we placed on their heads. Now today, the remaining few in the tribe fight the government and corporations for their last piece of sacred ground. It happens that the National Forest Service wants to lease their sacred space, so it could be developed into a ski resort. As she reflects on her situation, she spoke these words:

*"Maybe someday we'll wake up and see the light, see the good and the beautiful world in nature. We might wake up and see all that. Somebody's got to do that - somewhere. We just all can't be dumb then die."*

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*Closing Comments*

This month I am presenting my closing comments from the July 30, 2001 Department of Energy's (DOE) hearings on Tucson Electric Power's proposed transmission line project from Sahuarita to Mexico, through our National Forest. I was not the only speaker. Many Arivacian's made the pilgrimage and expressed their feelings to the DOE about this proposed project, on behalf of the rural community and our wild lands. Many other people from the greater Green Valley area also attended and spoke their minds. I hope to get a transcript of these proceedings, for the library, so everyone will have the opportunity to read this wonderful collection of thoughtful, informed, and eloquent speeches. My closing comments to the DOE were as follows:

While going through the process of preparing, documenting and writing for this hearing, I found that the tangible facts sought after by the DOE, such as information on endangered species, was in parallel with other intangible considerations of equal magnitude; for example: The visual impact of the transmission lines; the physical intrusion of towers into scenic rural areas; and the incompatibility of the transmission lines with the lifestyle of the individuals that chose this area specifically for the unblemished landscape.

The people who have moved out to these rural areas, regardless of their small numbers, have made the decision to trade convenience, for the peaceful, simple and empowered life of a homestead in the northern Sonoran Desert. The proposed power line project does not support or harmonize with the unique "micro-culture" of people, found on the west side of the Tumacacori Mountains.

During the morning of December 31<sup>st</sup>, 1999, I put on a backpack and headed out into the Coronado National Forest for my own special New Years celebration. I hiked over Apache Pass and made camp near Corral Nuevo. I photographed the last fiery sunset of the 20th century and slept out under the stars that night in peace and silence. I wanted to get away from the hype; to experience the complete antithesis of New York City's Times Square. And that's what I got. The next day I explored the mountains and photographed the sweeping vistas. What is the value of my experience? How do I break it down and put it in a tangible form so it could be weighed against the cost/benefit analysis of the proposed transmission lines? How does my message and the feelings of many other people get conveyed and considered, by those far away making the decisions?

In the case of TEP's proposal, is it fair to ask people to sacrifice a portion of our remaining wilderness to support energy projects, built in desperation, because our government has not provided long-term vision, leadership, research and business incentives, to prepare this country for a post-fossil fuel world? Especially when we have had 30 years since the last energy crisis to mobilize and unleash the great scientific minds and entrepreneurial talent this country has to offer, to address this problem. We have reached the point where the last of our wild lands are now threatened, to meet and support what is called the American way of life. If this is the case, we need to stop and look inside ourselves and question what we are doing, before progressing further.

There seems to be a mindset, attitude and policy traceable back to the founding of this country, that somehow the resources we have are so vast, they will be available indefinitely. It is several hundred years later now, and many of us are trying to protect the few pockets of area that are still unspoiled. And now these areas are being encroached and eroded because the mentality hasn't changed. Federal lands, wildlife refuges, national parks, national forests, national monuments & state parks. These were lands set aside for special reasons: wildlife habitat, recreation, historical/cultural and the preservation of natural wonders.

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*Closing Comments*

Many of the people hear tonight don't want to cut a deal, or work to mitigate potential damage. We don't want this project because history and experience has shown that the sum total of each seemingly rational development decision, ultimately results in a final degraded living environment, which is spiritually sterile to the people for which these development projects were meant to benefit in the first place. Judging the way so-called 'managed' and 'consensus' development has already spread across America, I don't necessarily hear people taking about a utopia; rather I see increased congestion, stress and anxiety.

Southern Arizona, Arivaca and the Coronado National Forest have their backs up against the border. Collectively as a nation, we have already compromised away a vast majority of our wild-lands. How is it not reasonable for citizens of this area to stand-up and fight to protect the small percentage of unspoiled wilderness that remains?

Where I camped on New Years Eve 1999 (Corral Nuevo in the Apache Pass area of the Coronado National Forest) is now directly in the path of TEP's proposed transmission line. That doesn't settle right with me. I thought I had gotten far enough away to the safe zone called our National Forest. I look at the forest as a buffer, a protector, and a refuge for people & wildlife. I am stunned at the arrogance of TEP's plan. And that's why I am here today.

Tucson Electric Power has nothing to lose by submitting these proposals; the people and wildlife have everything to loose.

I would like to close by quoting Dr. Cornel Pewewardy of the Comanche Nation, which I believe speaks for many in this room tonight. Ironically, these words were in the liner notes of a music CD I was listening while preparing this writing: "I am no chief, but, I am a warrior in education; and a warrior's role is greater than merely protecting and providing for the well being of the nation. It involves looking after the welfare of the people seven generations from now. It means we need to recognize threats to future generations and act accordingly. We need not only to understand, but live by saying: We do not inherit the land from our ancestors, we rent it from our children". Thank you.

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*Behind the Transmission Lines*

Public comment against Tucson Electric Power's (TEP) proposed transmission line route through southern Arizona has grown to thousands of pages. The "Western Route" takes the power lines through roadless areas of the Coronado National Forest (east of Arivaca), where approximately 191 line-towers, and over 20 miles of new roads could be constructed in the forest for this project. Many corporate lawyers, politicians, Washington bureaucrats and ordinary citizens, will be responding to the newly-released Draft Environmental Impact Statement (DEIS). The public comment period on the DEIS (available at all local libraries) ends October 14th.

The Department of Energy (DOE) must decide whether to issue a "Presidential Permit" that would allow TEP to erect 140' line towers through the biologically-rich and wilderness-like Coronado National Forest south into Mexico; or, they can declare "No Action" effectively stopping the project. Likewise, the U.S. Forest Service can either approve the route and amend its 'Land and Resource Management Plan' accordingly, or, declare "No Action" and deny TEP a 'Use Permit' through the forest.

If we look back at the origins of this proposal, TEP found a way to slip-in a larger 345 kV transmission line from the Arizona Corporation Commission's (ACC) Order 62011, which mandated that only a small backup 115 kV power line between Sahuarita and Nogales be provided to improve reliability. What ultimately transpired was that the ACC passed the (political) buck and handed the Department of Energy a can-of-worms, by approving a transmission line proposal larger than the ACC itself had asked for. Is it just coincidence that just after the ACC's granted the route to TEP, the then Governor flew to Mexico with the state's leading utility executives to promote a cross-border energy sale? To quote "The Arizona Republic" from January 17, 2002 (14 days after the ACC's decision) "Gov. Jane Hull and a group of Arizona power executives will be in Mexico City next week to lobby for permission to build high-voltage connections on the border and sell electricity to the Mexican power grid."

TEP's transmission line scheme was proposed several years back during the 'Enron era', when the new excitement was to trade energy over the grid. Utilities with power lines can charge a toll for electricity transmission across the 'grid'. To maximize the investment, the utility must encourage and promote electrical use. This is the most environmentally damaging consequence of the proposed subject transmission line, other than the construction itself. To quote the late Jacques Cousteau while he was studying effects of development in the Amazon: "Where power lines go, industry follows." Power lines will lead to the eventual building of power plants and heavy industry across the Mexican border, which all will be connected. According to a Greenpeace study, the 600 megawatt Semptra Energy Mexican power plant now on-line in Baja, just south of the US border, will generate 180 tons of Carbon Monoxide emissions (Mexico has no Carbon Monoxide limits) and 200 tons of Sulfur Dioxide (Mexico allows twice the US levels) annually. In addition, there are approximately 20 other power plants being proposed along the US border along California, Arizona and Texas, encouraged by the current administration.

Should TEP provide power to Mexico as they propose, it would necessitate using resources (fuel, water, air emissions) from the United States, in order supply a foreign country with power. Thus, a corporation will profit from the use of US natural resources and impact our air quality. One corporation should not profit against the will of the people at the expense of the environment (which in this case includes our Coronado National Forest). If we look at the biggest companies from the industrial era, most have made their fortunes off America's natural resources. Whether it was land grants to the railroads; mining claims on government owned land, or oil drilling in environmentally-sensitive areas. This process continues today, and is demonstrated in the fact that TEP can propose transmission line routes all over the map and then it becomes the annoying and unfair burden of the American citizen, to repeal or modify these damaging proposals. Industry access to America's natural resources is treated by corporations, more like a 'right', than a 'privilege'. This is because industry, over the years, has



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guided the pen of government legislation. The result is a pro-industry maze of laws, designed to wear-down the American citizen who tries to understand these laws, make changes and defend private property and public lands. Again, the current administration is now working to enact laws that restrict or remove public participation on these issues.

Many of the corporate officers that dream-up these projects (like building power lines), usually cash-in their chips and move-on, by the time these projects go online. Like professional stock traders, they buy on the rumor and sell on the news. It will be the people living around these power lines, or hiking in the spoiled forest areas that will have to live with the snap-crackle-and-pop, where they hoped would be silence. Back-country photographs will be marred by towers. Those who hiked the day to get-away will come across these power lines in the national forest and be sadly reminded that places of solitude are not respected.

The DOE, US Forest Service, and Bureau of Land Management's decision should be evident and clear: And that is to vote "No-Action" and reject the "Western Route." The reason is simple: There are many other economically viable alternatives to provide backup power to Nogales and other more environmentally-friendly energy alternatives available. With regards to transmission lines into Mexico, TEP (a publicly-traded company) should not expect its rate-payers to finance high-risk explorations into foreign energy markets. TEP should not be allowed to profit at the expense of the public's Coronado National Forest, simply to boost its stock price to satisfy shareholders. Further, the Mexican government has not even committed to any level of participation to this international interconnect concept.

We the American people really have no idea what's going on nationwide with our energy and electrical systems. Vice President Dick Cheney has never released the documents containing backroom dealings behind the administration's current National Energy Policy. Also Energy Secretary Spencer Abraham has declared that investigation results into the cause of the recent blackouts in the northeast will be kept secret from the public. This is unprecedented and unconstitutional. Energy issues are directly related to the United States being involved in wars, and energy is the cornerstone of our foreign policy which comes back to haunt us in the form of terrorism.

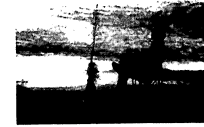
Many citizens have expressed a sense that Washington's decisions and actions on America's energy future, are unfolding too fast; that there is no coherent plan; and the impact on future generations is not being considered. It is like someone else has hijacked our future. Whose dream are we living anyway?

[www.StopTheWesternRoute.blogspot.com](http://www.StopTheWesternRoute.blogspot.com)

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**Desert Homestead - The Importance of Buffer Zones**



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Every fall I make a pilgrimage to southeastern Utah to explore that regions vast expanse of canyons, eroded sandstone formations and archeological mysteries. A big part of this experience however, has nothing to do with the act of hiking or backpacking in this area; it is the prospect of leaving what is known and familiar with road map in hand and accumulating distance from the clutter, static and regimen of the city. And as the drive to Utah begins, high density gives way to small towns, then to sparsely populated areas, followed by farms, ranches, reservation and ultimately empty federal lands.

A buffer zone of open space along with the element of time, allows contemplation of where one has been and where one is going. The insights derived from a journey into the wilderness come from facing fears, like sounds emanating from the darkness; overcoming physical challenges; making animal, plant and geological discoveries; observing and appreciating natural cycles. I notice while in this environment, that you begin to slow down and the cycle of the sun and the moon take over as your internal clock. Undistracted by others, a connection between this world and your inner being takes place and you realize that this feeling of empowerment is something that has been inside you all along waiting to be unleashed.

When I get back to my car after a completing a backpacking trip in Utah, just the drive to a paved road from the trailhead may take an hour or more. Tack-on several more hours to reach the Arizona border, along the way taking a swim in Lake Powell, cook a tailgate dinner, write in my journal and maybe stop at an Indian trading post. That to me, is the ideal buffer zone experience. And I really feel like I got away from it all.

Although profound insights can take place in solitude, it is not until one emerges from the wilderness with new visions of the future in hand, can they be thought of in the context of everyday life. Thus the importance of the buffer zone is the quiet time between the trailhead and the welcome mat back home. A transition between one reality and another, where ideas can take form and root.

Unfortunately, these rural corridors are becoming the new expansion areas for population growth and commerce. A current example of a threat to such a buffer zone is the proposed huge Canyon Forest Village development project to be built adjacent to the Grand Canyon National Park's south entrance. The development plan consists of stores, restaurants, and over 1,200 hotels rooms along with roads and other supporting businesses. This type of development removes the buffer zone that an individual needs to process a wilderness experience. Can you imagine emerging from a week in the Grand Canyon and immediately find yourself in a bustling small town. This type of immediate sensory intrusion will short-circuit your whole reintroduction from the canyon and reduce the whole adventure to a simple memory; rather than having time to allow a transformative experience to slowly soak in.

I'm sure that most Arivacan's are conscious, if not subconscious, of the buffer zone that surrounds our town. The national forest and mountains to the south and east and the wildlife refuge to the west. The only vulnerable area is along Arivaca Road heading north. The state lands and private ranch lands along the roads could eventually be sold and it is possible that a large Green Valley-sized development to could appear someday and bring traffic, bright lights, fast food restaurants and convenience stores to the doorstep of Arivaca.

People here in Arivaca have chosen this area specifically because of its rural lifestyle and character. Developments bring people that have other expectations. And these expectations are convenience and comfort. Arivacan's have chosen a place where there is room to breathe, explore and have solitude, at the expense of convenience. Arivaca is already hacked-up against the international border and should large developments remove the buffer zone between Arivaca and Green Valley, where would there be left to go, to find what we already have?

So lets give protection of buffer zones in this country some thought, lest we eventually ruin something sacred to the human spirit; that is, the ability for anyone at any time, to transform themselves through a personal vision quest in the wilderness.

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1 BEFORE THE ARIZONA CORPORATION COMMISSION

2

3 IN THE MATTER OF THE JOINT )  
4 APPLICATION OF TUCSON ELECTRIC POWER )  
5 COMPANY AND CITIZENS COMMUNICATIONS )  
6 COMPANY, OR THEIR ASSIGNEE(S), FOR A )  
7 CERTIFICATE OF ENVIRONMENTAL )  
8 COMPATIBILITY FOR A PROPOSED 345 KV ) CASE NO. 111  
9 TRANSMISSION LINE SYSTEM FROM TUCSON )  
10 ELECTRIC POWER COMPANY'S EXISTING )  
11 SOUTH 345 KV SUBSTATION IN SEC. 36, ) DOCKET NOS.  
12 T.16S., R.13E., SAHUARITA, ARIZONA, ) L00000C-01-0111  
13 TO THE PROPOSED GATEWAY 345/115 KV ) L00000F-01-0111  
14 SUBSTATION IN SEC. 12, T.24S., )  
15 R.13E., NOGALES, ARIZONA, WITH A 115 )  
16 KV INTERCONNECT TO THE CITIZENS )  
17 COMMUNICATIONS COMPANY'S 115 KV )  
18 VALENCIA STATION IN NOGALES, ARIZONA, )  
19 WITH A 345 KV TRANSMISSION LINE FROM )  
20 THE PROPOSED GATEWAY SUBSTATION )  
21 SOUTH TO THE INTERNATIONAL BORDER ) SPECIAL OPEN  
22 IN SEC. 13, T.24.S., R.13E. ) MEETING

23 At: Tucson, Arizona

24 Date: December 12, 2001

25 Filed:

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1 with what the Commission did in Big Sandy, which we  
2 commend, and I realize that it's obviously a difficult  
3 situation for you to be in when there's millions of  
4 dollars at stake, and orders like this which are  
5 requiring power, however in this case I don't see a  
6 way out of it with respect to the western route.

7 This is one of Arizona's last best places,  
8 and it's not an issue about litigation, it's an issue  
9 about protecting Arizona's heritage and also  
10 recognizing what these areas could mean to us in the  
11 future.

12 COM. SPITZER: Thank you very much.

13 CHMN. MUNDELL: Thank you for your comments.

14 MS. HOOD: Bart Santello.

15 MR. SANTELLO: Hi. My name is Barton,  
16 B-a-r-t-o-n, Santello, S-a-n-t-e-l-l-o. I'm speaking  
17 today as a private citizen and a property owner in the  
18 Town of Arivaca in opposition to the western route and  
19 all routes. And several residents of Arivaca could  
20 not be here today, so I have attached to my comments  
21 and distributed a proxy petition containing 65  
22 signatures which would represent about 7 percent of  
23 the people of Arivaca.

24 Collectively, we are outraged at the proposal  
25 to permanently disrupt the rural outback and the

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1 national forest in trade for a self-serving business  
2 plan.

3 We feel these hearings have made it clear  
4 that the 345 KV route by TEP not only puts in jeopardy  
5 the Commission's mandate to provide Nogales with  
6 reliable power by 2003, but the proposed route has  
7 extreme environmental consequences. And I'm speaking  
8 of the western route.

9 With regards to reliable power by 2003, I'd  
10 like to bring up the case of American Electric Power  
11 in Virginia that's trying to put a line through the  
12 Jefferson National Forest. To go through a national  
13 forest, that project has been in litigation for 11  
14 years. So to meet the 2003 deadline, just like some  
15 other people alluded to here today, that can be  
16 problematic from a standpoint of trying to meet that  
17 goal.

18 One other comment before I get started is I'd  
19 like to thank all the intervenors who have worked so  
20 hard on behalf of the public during these hearings.  
21 They're citizens just like us, and they're taking the  
22 time and volunteering and going against some big  
23 corporations here, so they've done a commendable job,  
24 and I've been trying to write this for this couple of  
25 weeks, so I can understand their efforts.

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1 Another thing, to the Commission, you have  
2 time now, between now and January, but I encourage you  
3 to take a Sunday drive, take your families and drive  
4 out to Arivaca and the Ruby Road and some of the area  
5 where the power lines may go along the western route,  
6 and kind of get a feel for yourself what that  
7 environment entails. Maybe you've already been there,  
8 but that's some recommendations from the people in  
9 Arivaca. That is I'd like to point out that as far as  
10 I know, no Arivaca resident has spoken in these  
11 hearings or any other hearings or the Department of  
12 Energy hearings to place the power lines anywhere else  
13 in the valley.

14 We've looked at this proposal and we rejected  
15 TEP's proposal based on its merits, and also the  
16 concerns of the environment. And I feel that some  
17 people have spoken here today and in the past about  
18 from the other areas, and talked about putting the  
19 power lines on the western route, and one sentence  
20 they talk about the property value, in the next  
21 sentence they talk about moving to the western route.  
22 So I think you have to take that comment for what it  
23 is.

24 We feel TEP's proposal submitted to the ACC  
25 seems more like an outline than a well-defined

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1 document. It seems to ask a lot of questions. We've  
2 had a lot of questions about where these lines are  
3 going to be placed, how wide the corridor is. We  
4 never really got a good answer to that, especially  
5 when you're going through rural areas and national  
6 forest. We don't know whether they want to buy power  
7 from Mexico or sell power to Mexico, the environmental  
8 consequences of potentially building dirty plants from  
9 Mexico and the air coming back into Arizona and  
10 affecting wildlife and people's health. So their  
11 proposal is a moving target.

12 I know that makes your decision very  
13 difficult. The proposed western route through the  
14 Coronado National Forest reveals itself as a separate,  
15 flawed, and greedy proposal by TEP. In my opinion  
16 they're using the requirement to supply Nogales with  
17 power to push their own agenda at the expense of  
18 unique southern Arizona, scenic outback, the people's  
19 wishes and the integrity of our national forest. I  
20 believe the Commission should reject the proposal  
21 because it fails to deliver acceptable levels of  
22 accountability, quality, completeness, and integrity.

23 Let's help preserve our rural character and  
24 environment. In the Coronado National Forest, besides  
25 the visual obstruction of the towers, the construction

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1 will result in roads being built, leveling of areas  
2 for storage of equipment and trucks, dump areas and  
3 piles of material, some off-road driving, and of  
4 course, erosion, and that will result on plant and  
5 animal habitat degradation.

6 We can't allow this level of destruction in a  
7 biologically sensitive area of the Pajarita  
8 Wilderness, and the perennial stream in Sycamore  
9 Canyon. The scenic area must be preserved. According  
10 to state figures, Arizona's population will grow from  
11 5 million today to 11 million people in 50 years. And  
12 we need to have sufficient destinations for people to  
13 go where they feel they have truly gotten in the way  
14 of wilderness.

15 I'm not trying to be an obstructionist. I  
16 feel we're not fighting for all wildlife, we're  
17 fighting for what is left now, maybe only 7 percent of  
18 what's left of our wild lands in this country.  
19 Tourism is very important. From an economic  
20 standpoint it represents approximately three times the  
21 revenue compared to that of Arizona's copper industry.  
22 The unspoiled lands as they have a great economic  
23 value to Arizona.

24 I believe decisions made from fear and crisis  
25 are not good decisions. And in crisis, choices are

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1 limited. I feel in this proposal we've seemed to have  
2 only two choices here, transmission lines or you don't  
3 meet your mandate. We believe there's some,  
4 especially with terrorist attacks, there may be some  
5 building lines in Mexico, may represent vulnerable  
6 terrorism. The recent collapse of the Enron  
7 Corporation has shown us the trading industry in the  
8 commodities market is immature.

9 By building this line, TEP is strengthening  
10 its position to move power around the grid and set up  
11 a toll booth. Thus, connecting to a national grid may  
12 mean a power plant in our backyards, and lines,  
13 there's no guarantee we'll have power someday because  
14 unless you pay what the market says, the energy will  
15 be moved to other states to whoever is willing to pay  
16 the price. And we saw this evident in California.

17 We believe that no power option is fear  
18 based. I believe people have never been given a third  
19 choice, that of a decentralized alternative, and  
20 locally generated and distributed power. I think the  
21 Maestros Group proposal in some ways does that. And  
22 we'd like these other options for real security with  
23 our energy.

24 Considering this whole thing of TEP's  
25 proposal, I realize it's their model of how things

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1 should be. In other words, it's their dream, and we  
2 have to realize all these years we've been buying into  
3 someone else's dream, and that's the dream of  
4 transmitted power. And since it may have been  
5 acceptable in the past, when we had limited options  
6 and energy supplies were more plentiful, today science  
7 and technology have given us new choices. For reasons  
8 of corporate expediency these options seem to be  
9 hidden from our view.

10 I'm an aerospace engineer. I've worked on  
11 the space shuttle. I've helped develop advanced  
12 automotive gas turbine engines and project managed  
13 development of commercial jet engines. In my career  
14 I've seen scientists and engineers innovate and  
15 develop machines of incredible complexity. Based on  
16 these experiences I can never accept those who say our  
17 alternative energy options are limited, or that we are  
18 not prepared to implement decentralized energy  
19 systems. The only thing we're not prepared currently  
20 is our focus and our commitment and our will.

21 In reviewing records of the Transmission Line  
22 Siting Committee hearings, I believe the ACC  
23 Commissioners will find that the intervenors have  
24 sufficiently exposed the shortcomings and the  
25 inappropriateness of TEP's proposal. The

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1 Commissioners will notice an overwhelming majority of  
2 the people have spoken knowledgeably and articulately  
3 against the proposal.

4 I urge the Commission to vote against the  
5 proposed western route. Saying no to TEP still leaves  
6 options to address the needs of Nogales, yet buys us  
7 time to consider less harmful options for long-term  
8 power needs of south central Arizona. We want to be  
9 empowered and part of the process, not beaten down and  
10 cynical. TEP has only money to lose by submitting  
11 these proposals, but the people and wildlife have  
12 everything to lose forever.

13 Commissioners, give us options to be excited  
14 about and allow us to have a choice in taking  
15 responsibility for our own dream, the dream of true  
16 energy independence.

17 Thank you.

18 CHRM. MUNDELL: Thank you.

19 COM. SPITZER: Thank you.

20 MS. HOOD: Bruce Buchanan.

21 MR. BUCHANAN: I'm Bruce Buchanan, the owner  
22 of the Arivaca Ranch. I'm here with my wife Karen  
23 back here.

24 And first of all, I guess I'd have to say  
25 we're opposed to the western route. We're opposed to

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1 BEFORE THE POWER PLANT AND TRANSMISSION  
2 LINE SITING COMMITTEE  
3  
4 IN THE MATTER OF THE JOINT )  
5 APPLICATION OF TUCSON ELECTRIC POWER )  
6 COMPANY AND CITIZENS COMMUNICATIONS )  
7 COMPANY, OR THEIR ASSIGNEE(S), FOR A )  
8 CERTIFICATE OF ENVIRONMENTAL )  
9 COMPATIBILITY FOR A PROPOSED 345 KV ) CASE NO. 111  
10 TRANSMISSION LINE SYSTEM FROM TUCSON )  
11 ELECTRIC POWER COMPANY'S EXISTING )  
12 SOUTH 345 KV SUBSTATION IN SEC. 36, ) DOCKET NOS.  
13 T.16S., R.13E., SAHUARITA, ARIZONA, ) L00000C-01-0111  
14 TO THE PROPOSED GATEWAY 345/115 KV ) L00000F-01-0111  
15 SUBSTATION IN SEC. 12, T.24S., )  
16 R.13E., NOGALES, ARIZONA, WITH A )  
17 115 KV INTERCONNECT TO THE CITIZENS )  
18 COMMUNICATIONS COMPANY'S 115 KV )  
19 VALENCIA SUBSTATION IN NOGALES, )  
20 ARIZONA, WITH A 345 KV TRANSMISSION )  
21 LINE FROM THE PROPOSED GATEWAY )  
22 SUBSTATION SOUTH TO THE INTERNATIONAL )  
23 BORDER IN SEC. 13, T.24S., R.13E. )  
24  
25 At: Phoenix, Arizona  
Date: May 17, 2001  
Filed: May 21, 2001

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VOLUME III  
(Pages 494 through 735)

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Court Reporting  
Suite Three  
2627 North Third Street  
Phoenix, Arizona 85004-1103

By: CECELIA BROOKMAN, RPR  
Prepared for: CCR No. 50154

TEP

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1 Magruder. And then we have a request for denial of  
2 applicant's request for Certificate of Environmental  
3 Compatibility by Mr. William Kurtz, which I am  
4 interpreting as being comments with respect to the  
5 proposed certificates.

6 Are there any others?

7 (No response.)

8 CHMN. WOODALL: In that case, we all have a  
9 set of those, and if you brought extra I appreciate  
10 your courtesy, you might want to make them available  
11 for any of the members that might want them.

12 We'll adjourn for an hour and 15 minutes.

13 Thank you.

14 (The lunch recess ensued from 12:30 p.m., to  
15 1:57 p.m., upon which Member Sandie Smith exited the  
16 proceedings.)

17 CHMN. WOODALL: We're going to go back on the  
18 record on this matter.

19 Before we take the opportunity to ask  
20 questions of the representative of the Department of  
21 Energy, I understand there is another member of the  
22 public that wishes to make a brief comment concerning  
23 the application.

24 Mr. Santello

25 MR. SANTELLO: Thank you, Madam Chairperson,

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1 for the opportunity to speak.

2 My name is Barton Santello. I have a  
3 property at 15460 Jalisco Road in Arivaca. And I am  
4 representing myself as an individual.

5 I'm here today to express my opposition to  
6 the power lines. My argument is philosophical,  
7 because it seems like there's been enough discussion  
8 about the technical aspects. I believe Arivaca and  
9 the community around there is a rural area that's  
10 relatively unscathed. It has significant historical  
11 value, Apache, Pima Indians, ranching and mining  
12 history. The Arivaca community has about a thousand  
13 people. Most are divided into ranchers, some  
14 retirees, and people that want to live an alternative  
15 lifestyle.

16 The Arivaca community is surrounded by the  
17 national forest and the Buenos Aires Wildlife Refuge,  
18 and I believe those places were put there because of  
19 significant research by scientists, biologists, and  
20 they're there for a reason.

21 The area is enjoyed by birders from all over  
22 the world. Biking, hiking and photography is very  
23 popular in this area. It's a recreation, it's an  
24 important area. With the population growing in  
25 Arizona, there's a need for people to have a place to

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1 get away from the development, to get away and spend  
2 time with themselves and their families. I believe  
3 the power lines do not fit in with the valley's  
4 character, and I believe they're an industrial age  
5 solution for an information age world.

6 The people that live in Arivaca are mostly  
7 into sustainable development, the building of  
8 alternative homes such as adobe, straw bale, cob,  
9 bamboo homes, and there are many who live still  
10 without electricity, and sorry to the electric  
11 company, that don't want it, and there are a lot of  
12 people still without telephones.

13 Therefore, I believe the power lines would be  
14 a contradiction to the life that these people are  
15 living. It would be a slow erosion of the natural  
16 environment, and I believe that would have a wearing  
17 down effect on the people, the psychology of the  
18 people living there.

19 I hope that the Commission takes these human  
20 factors into account on this issue.

21 For those who have not ever been into that  
22 area, I would encourage them to take a Sunday drive  
23 and bring their families down and spend a day in the  
24 area in the refuge, and bring your birding book and  
25 binoculars, and you can stop at the bakery there and

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1 get a dozen chocolate chip cookies for a dollar.  
2 I'd just like to end what I say by a quote  
3 from a filmmaker named Godfrey Regio. To quote him.  
4 We live in a world today where to be a human being in  
5 my opinion is to be heroic. We have to look at the  
6 mass societies we live in. Those are, from my point  
7 of view, mass technologies. The choices we have  
8 before us is to be heroic today, to deal with freedom,  
9 and freedom might now be defined as the ability to say  
10 no to what is perceived as technological necessity.

11 Thank you.

12 CHMN. WOODALL: Thank you.

13 Mr. Smith.

14 MEMBER WAYNE SMITH: I was wondering if you  
15 could delineate on the map just for the record where  
16 the community is, please.

17 MR. SANTELLO: Is there a map I can point to?

18 CHMN. WOODALL: We have a large size version  
19 of A-3 up on the board. Could you maybe turn it so  
20 that we could see it?

21 MR. SANTELLO: Arivaca would be --

22 CHMN. WOODALL: You're showing us a  
23 topographic map which appears to have depicted on it  
24 alternative routes, and I believe it's labeled TEP-12.

25 MR. SANTELLO: Arivaca, the town site of

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1 Arivaca is right here. Over to the east is what's  
2 known as the 40s, and that was a 10,000 acre ranch  
3 that was divided up in 1972 into 40-acre homesteads,  
4 and that is this section right here.

5 CHMN. WOODALL: About how far in miles from  
6 the westerly route is this community?

7 MR. SANTELLO: I would say from the edge  
8 here, which is, there's a thing called Clifford Well,  
9 which is probably where the state land begins, and  
10 each of these squares in the forest map is a mile.  
11 That would be one, two, three, four, four and a half  
12 miles or so.

13 CHMN. WOODALL: Mr. Smith.

14 MEMBER WAYNE SMITH: That's fine, thank you  
15 very much.

16 CHMN. WOODALL: Thank you, Mr. Santello.

17 At this time, Committee members, we have  
18 available Ellen Russell, a representative of the  
19 Department of Energy.

20 Ms. Russell, I wonder if you could come  
21 forward, please.

22 Ms. Russell, Staff's notice of filing  
23 testimony, they included a copy of a letter dated  
24 February 9th, 2001 signed by Ellen Russell, NEPA  
25 document manager. Are you she?

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APPENDIX IV

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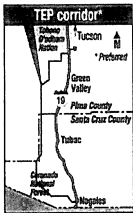
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## ACC gets an earful over power line to Nogales

GARRY DUFFY  
Citizen Staff Writer  
Dec. 13, 2001



Tucson Electric Power Co.'s plan for high-voltage transmission lines from Sahuarita to Nogales would destroy property values and scar a beautiful desert landscape 40 miles south of Tucson, area property owners told the Arizona Corporation Commission yesterday.

TEP and Citizens Communications Co. are seeking permission to build 345- and 115-kilovolt power lines to provide power to the border city and possibly into Mexico in the future.

More than 140 neighbors and other interested onlookers filled one hearing room and spilled over into another at the State Office Building downtown yesterday, many anxious to tell the ACC how angry they are about the project.

Like a separate proposal by Public Service of New Mexico to run 345,000 volts on transmission lines held aloft by giant towers from the Palo Verde Nuclear Generating Station, west of Phoenix, also to Nogales, the TEP-Citizens Utility proposal has legions in opposition.

Almost every one speaking said he would prefer the transmission lines and towers not be built. But if the looming towers must be built, most said they should be built near someone else's home.

Residents of toney Tubac are agast that a route preferred by TEP would bring the towers close to the historic and artistic community. They say the towers, standing as high as 140 feet, would be a devastating hit to property values.

"This would be disastrous for the whole Santa Cruz Valley," Dale Devick, a Tubac retiree, told commission members William Mundell and Marc Spitzer. Commissioner Jim Irvin was not at the meeting.

Besides harming property values, giant towers near communities on

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the Santa Cruz would destroy scenery almost unchanged since Spanish Colonial days, commissioners were told.

"There are fields that have been farmed, historically, since 1740," Richard Halpenny, a member of the Tubac Historical Society, said.

The route also would take the towers close to Tumacacori National Monument, Halpenny said.

"The power lines would go straight through there and completely destroy that vista," Halpenny claimed.

Some Tubacans told commissioners that they reluctantly favored a different route, one recommended recently by a committee formed to examine environmental issues related to choosing a route for the high-voltage power lines.

The Arizona Power Plant and Transmission Line Siting Committee recommended a route west of the TEP-preferred alignment, along a path that would take the giant towers west of the individualistic community of Arivaca through scenic and environmentally sensitive lands.

"For a power line of any kind to go through here would be an abomination," Arivaca rancher Mary Kasulaitis told the commissioners.

The committee's recommended route would put the transmission lines and towers near Sycamore Creek, a riparian area with a rare perennially running stream, and encroach on several endangered species, including the tiny Sonoran chub.

"The western route will go through some of the most unique land in southern Arizona," Brian Segee of the Center for Biological Diversity said. "This is one of Arizona's last best places."

TEP officials did not address the commission and were unavailable for comment yesterday afternoon.

The ACC is facing a self-imposed timeline for TEP to be able to provide Citizens Utilities with access to 115 kilovolts. The commission responded to complaints from its customers in Nogales and ordered Citizens to secure adequate electrical supplies to the city by Dec. 31, 2003.

Commissioners could reverse the earlier order and timeline and consider alternatives to the power lines, several speakers told Mundell and Spitzer.

Among alternatives, commissioners were told, is locally generated electricity from small power plants, which would eliminate the need for a long string of tall power poles and transmission lines carrying tens of thousands of volts.

Commissioners are set to vote on the line-siting committee's recommendation Jan. 3 in a meeting in Phoenix.

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Thursday, 13 December 2001

TEP line plan draws sparks

[PICTURE]

**Benjie Sanders** / Staff  
*Earl Wilson, of Tubac, tells ACC commissioners why he opposes the planned 60-mile, high-voltage power line from Sahuarita to Nogales.*

Crowd majority tells ACC to deny link to Nogales

By Alan D. Fischer  
 ARIZONA DAILY STAR

Most of the 130 people attending a Tucson public comment session on a proposed 60-mile, high-voltage transmission line to Nogales let regulators know they oppose the project.

An overflow crowd attended the Arizona Corporation Commission's special meeting Wednesday to discuss Tucson Electric Power Co.'s planned 345,000-volt transmission line, which would link a TEP substation near Sahuarita and the power system serving Nogales to improve service reliability for residents there. The line would also allow TEP to connect with the power grid in northern Mexico.

The ACC mandated in January 1999 that a second power line connecting the Nogales area to the western power grid be operational by Dec. 31, 2003. Problems with the single 115,000-volt line currently serving Nogales and the surrounding area brought on a high number of power outages there, leading regulators to intervene.

About four dozen speakers told Commissioners Bill Mundell and Marc Spitzer that TEP's \$70 million project, which would have a 125-foot-wide right of way and would feature poles up to 140 feet tall, would have a negative impact on property values, the environment, health and tourism.

Gary Brasher, president of the Santa Cruz Valley Citizens' Council, asked the crowd how many preferred to see no power line at all. The majority raised their hands.

Some in attendance said they found a western route recommended to the ACC by the Arizona Power Plant and Transmission Line Siting Committee acceptable. Some requested modifications to the plan as it currently stands.

Earl L. Wilson, of Tubac, said the area's energy needs could be served with a smaller 115,000-volt line through 2035, so the larger 345,000 line is not currently necessary.

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Wilson told the commissioners that while the area had suffered poor service and outages in the past, the reliability problems have been resolved.

In addition, he recommended that the commission consider small, regional power plants rather than transmission lines from large, centralized generating facilities.

Hugh Holub, vice president of international relations for the Maestros Group, agreed. He said a Nogales power plant proposed by Maestros Group could solve reliability problems in the area.

Holub said he feared approval of TEP's line would preclude the success of other plans, including the Maestros Group's proposal.

Mundell said TEP's project would not prejudice other possible projects, and he said a new power plant could possibly offer an alternate solution to the area's reliability problems.

Mundell said the Maestros Group has yet to apply for approval of its project with the ACC or the Line Siting Committee. "There is not even anything in the pipeline yet," he said.

The Maestros Group in May applied for a U.S. Department of Energy permit to export energy to Mexico.

Spitzer said a power plant in Nogales would worsen pollution in a city that already fails to meet air quality standards.

A new regional power plant would still require transmission lines and distribution lines, Spitzer said.

Brian Segee, of the Center for Biological Diversity, said his group opposes all routes, and said: "The western route would carve through some of the most unique lands in Southern Arizona."

He said the recommended western route cuts through three designated wilderness areas and would harm the habitat of several species that don't occur anywhere else.

Mundell said the three-member commission, which also includes Jim Irvin, is scheduled to vote on the matter Jan. 3 in Phoenix. The ACC can vote to approve, amend or deny the project, he said.

The evidence-based decision will weigh the need for economical, reliable power for Nogales against protecting the environment, he said.

TEP's Bill Norman said the utility is optimistic about moving forward with the project, and said he respected the ACC's desire to let the public have its say on the matter. He said Wednesday's meeting was the 11th held where public comments were taken on the project.

Norman said the recommended western route also requires approval from the U.S. Forest Service to cross lands controlled by that agency. TEP must also acquire the right of way along the route, he said.

Public comments will again be taken prior to the vote at the Jan. 3 Phoenix meeting. People may also comment in writing to the ACC, Attention Docket Control Center, 1200 W. Washington St., Phoenix, Ariz., 85007. Correspondence should refer to Line Siting Docket 111.

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\* Contact Alan D. Fischer at 573-4175 or at [afischer@azstarnet.com](mailto:afischer@azstarnet.com).

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**ACC hears many objections to plans for big power lines**

By Jim Lamb

TUCSON—Giant power lines from Tucson to Nogales will damage property values, endanger wildlife, blight the views, and shed and intrude on the historical treasures, some protesters told the Arizona Corporation Commission Thursday.



Three Tubac residents who appeared at Wednesday's corporation commission hearing were, from left, Gary Brasher, Richard Bohman and Earl Wilson. Brasher is president of the Santa Cruz Valley Citizens Council which opposes any power line route through the Santa Cruz Valley, preferring a route west of the Tumacacori Mountains. He said several other groups, including the Green Valley Community Coordinating Council and Green Valley Chamber of Commerce agree. (News photo by Jim Lamb.)

At a hearing on a power line route sought by Tucson Electric Co. and Citizens Communications, at least 30 speakers said they either objected to any power lines, opposed lines west of the Tumacacori Mountains or through the Santa Cruz Valley.

They also differed on whether lines should transmit 345,000 or 115,000 volts.


But one speaker, Ken Lilly of Santa Cruz County, said opposing large power lines to Nogales is shortsighted and might blight future growth.

Lilly was a member of a joint city of Nogales and Santa Cruz County group that recommended a 345,000-volt line west of the mountains.

The corporation commission will meet Jan. 3 in

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	<p>Kinkead said she worried about gas-line venting when there are high power lines overhead.</p> <p>The preferred alternative route follows the gas line part of the way.</p> <p>Brian Segee of the Center for Biological Diversity and David Patterson of the Sierra Club faulted the TEP - Citizens environmental report.</p> <p>They said it didn't mention some species found along the western route that are endangered or threatened, including the Sonoran chub in Sycamore Canyon.</p> <p>The first two speakers were Hugh Holub and Nancy Valentine Holub representing Maestros Group.</p> <p>Maestros wants to attract power-plant builders to construct generating stations near Nogales to meet local needs and connect to the Mexican grid, they said.</p> <p><b>Asks for delay</b></p> <p>Holub urged the commissioners to delay their decision until the idea of local plants was settled.</p> <p>But during testimony by supporters of local generation, Mundell said Maestros has not applied to the commission for permission to build.</p> <p>The line-siting issue would not prejudice future proposals, said Mundell.</p> <p>Commissioner Spitzer said power plants in Nogales would increase pollution there.</p> <p>On Jan. 3, the commission will decide whether TEP-Citizens can use its alternative route through the Santa Cruz Valley if it's preferred route doesn't work out.</p> <p>The commission may order the companies to follow the state's Power Plant and Line Siting Committee ruling. That committee recommended that TEP - Citizens can use only the western "preferred" route.</p> <p>That's the one west of the Tumacacori Mountains.</p> <p><b>Two years to deadline</b></p>
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TEP-Citizens filed legal papers asking permission to use the alternative route if they run into trouble meeting the Dec. 31, 2003, deadline.

Mundell and Spitzer said the commission can accept, reject or amend the line siting committee's decision.

The preferred route would run mostly west of the mines near Green Valley and the Tumacacori Mountains.

The preferred alternative route would run east of the Tumacacori Mountains and generally follow the gas line slightly west of Interstate 19.

A third player is Public Service of New Mexico. It also wants to construct a 345,000-volt power line that would run mostly east of the river near the current Citizens main power line.

That line would also connect to Mexico and also provide emergency backup power to Citizens.


PNM would transmit energy from the Palo Verde switching yard near the Palo Verde generating station southwest of Phoenix. The switching yard is part of a western grid of power companies.

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Highlights

**Arivaca residents say they're opposed to TEP's proposed westerly route**

By Kathy Engle

SAHUARITA--Representatives of the community of Arivaca weighed in on the Tucson Electric Power power line proposals Monday night at a Department of Energy public hearing at Rancho Resort. They made it clear that the westerly route proposed by the utility was unacceptable to them.

The western route, which would run through the Coronado National Forest, west of the Tumacacori Mountains and Atacosa Mountains, is the one preferred by the town of Sahuarita, the Green Valley Community Coordinating Council, Tubac Chamber of Commerce and Santa Cruz County Board of Supervisors.

All have gone on record as saying, in effect, that if push comes to shove and the TEP power line proposal is approved, they prefer a 115,000-volt, 60-megawatt line that would run west of Interstate 19 from the Sahuarita south substation to Nogales and then 60 miles into Mexico.

The other routes proposed are the central route, which would run west of Interstate 19 along the existing gas pipeline past Amado and Tubac, and the easterly route, which would run east of the Interstate through Continental, Green Valley, Elephant Head, Amado and west of the Interstate at Tubac. (See map of proposed routes)

TEP has proposed that it build a double-circuit 345,00-volt line that would terminate at an existing substation in the city of Santa Ann in Sonora, Mexico.

Reiterating the Green Valley Community Coordinating Council's position at Monday's hearing was Mikel Shilling, GVCCC president. She said the council strongly objects to "placement of

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any transmission line through the Santa Cruz Valley."

"The visual and environmental effects would be detrimental to our quality of life and substantially reduce our property values," Shilling told DOE officials and an audience of more than 100 people.

"In addition, there would be a direct negative impact on the cultural and historic values of the Canoa Ranch properties and the visitors to this important site in our area's history," Shilling said.

"A transmission line through the valley would also seriously and negatively impact the historic community of Tubac and the Tumacacori Mission National Historic Park to the south of Green Valley," she continued.

Shilling said the impacts of all alternative routes on recreation resources "must be discussed in the environmental analysis."

"We are specifically concerned," she said, "about the negative impacts on the Southern Pima County Trail System and the potential for negative impacts on the natural and biological elements of the Mountain Park segments of Pima County's Sonoran Desert Protection Plan."

**Opportunity for comment**

The purpose of the hearing was for DOE to receive comments from the public on the TEP proposal to assist in DOE's preparation of an Environmental Impact Statement by identifying significant environmental issues.

TEP has applied for a Presidential Permit from DOE because it is required to do so in order to construct electrical transmission lines across the U.S.-Mexico border.

TEP has agreed to jointly build a backup line with Citizens Energy Services, which has been ordered by the Arizona Corporation Commission to have the backup line for emergencies completed by Dec. 31, 2003.

TEP also wants to use the proposed 345,00-volt line to transmit surplus power to northern Mexico and, possibly, purchase power from Mexico, a prospect that drew several comments from area residents about possibilities of increased pollution

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from unregulated gas-fired or nuclear power plants in Mexico.

Mary Noon Kasulaitis, librarian at Caviglia Arivaca Library, whose family has ranched in Arivaca for 122 years, said she objected to the westerly route, which runs west of the Tumacacori and Atascosa Mountains through Bear Valley and Sycamore Canyon to Nogales "because it will ruin a virtually pristine natural area."

"It's too beautiful and too rugged and it doesn't appear that TEP has substantive information on the western route," she said, noting that Bear Valley and Sycamore Canyon have riparian ecosystems and are well-known to biologists and naturalists."

She said she doubted power lines could be constructed in that area and if they were it would require construction of roads and open up a previously inaccessible area.

She said the power lines would despoil a scenic area, which is now "beautiful and unspoiled."

Barton Santillo, a property owner in Arivaca, said TEP has "not been forthright" with people in that community.

"People in Arivaca learned about this plan only in the last couple of months," he said.

"The question is would TEP consider its westerly route were it not for the fact that Arivaca has a small population, a lower-than-average per capita income and not much in the way of political connections?" he asked rhetorically.

**Opposed to entire project**

Santillo said he and many others in Arivaca are "opposed to the western route and to the entire project, which has questionable merit."

He said the powerline would "degrade the rural micro-culture" and have a detrimental effect on scenic areas and endangered species.

"The visual impacts, the physical intrusion of the towers" are incompatible with the lifestyle of the people in Arivaca, he said.

"Is it fair to ask people to sacrifice a portion of a remaining environment to support energy

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## Hull, state power executives lobby for business in Mexico

Tom Zoellner  
The Arizona Republic  
Jan. 17, 2002 12:00:00

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Gov. Jane Hull and a group of Arizona power executives will be in Mexico City next week to lobby for permission to build high-voltage connections on the border and sell electricity to the Mexican power grid.

Such cross-border deals were rare under previous Mexican administrations, but President Vicente Fox has opened doors by promising to deregulate the state-owned electricity monopoly and calling for private investment.

Tucson Electric Power has already announced plans to build a \$70 million transmission line to the border, and another power company says it wants to run a 1,000-megavolt line from the Palo Verde Nuclear Generating Station to a city in Sonora.

"This would be a tremendous advancement," said James Ahlers, a special assistant to Hull for Mexico policy. "It's a whole new area of exchange that doesn't exist right now."

Hull and executives from Arizona Public Service, Salt River Project, Southwest Gas and the Tucson utility are scheduled to meet with Fox and Energy Secretary Ernesto Martens Rebollo on Jan. 25 as part of a three-day trade mission that will include a trip to Guadalajara and meetings with other government authorities and business people.

A number of regulatory, technological and political problems have kept the vast Mexican market off-limits to American power companies in recent years. There are several small power transfer stations at various points along the U.S.-Mexico border, but they exist mostly to help local communities in times of brownouts or other shortages.

The Ohio utility American Electric Power connected the western U.S. power grid with Mexico in July 2000 at Eagle Pass, Texas. AEP used a special direct-current system to overcome the difference in national power standards.

Arizona power companies, with the help of Hull, now want to break into that market.

"It's definitely going to be a tremendous benefit to everybody if we can get these grids connected," said Jan Bennett, vice president of customer service at APS. Everyone is

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interested in opening up new markets and if you wait until they develop, somebody will beat you to it."

But he acknowledged: "We still have some very, very bureaucratic problems to get through on both sides of the border."

The potential client is the Federal Electricity Commission (CFE), Mexico's state-run power giant, which provides 92 percent of the nation's electricity. It has dominated the market since the early 1960s, when Mexico successfully bought up American and Canadian power suppliers south of the border.

The rallying cry "*La Electricidad Es Nuestra* (The Electricity Is Ours)" was widely advertised at the time. Nationalistic pride still plays a role in Mexico's energy policy, according to a background paper prepared by the U.S. Federal Reserve Bank. "Foreign participation in energy remains a politically charged subject in Mexico, as dangerous to political careers as talk of cutting entitlements or raising taxes in the United States," the report noted.

Bennett acknowledged: "There is a fear about being too dependent on U.S. power among some Mexican officials."

But Mexico is facing a potential energy crisis. Growth in some places along the border is approaching 8 percent annually, and there is also a lack of private capital to build new power plants that feed into the Mexican power company's grid.

Public Service Company of New Mexico has already announced plans to build a line from the Palo Verde Nuclear Generating Station switchyard to the city of Santa Ana, Sonora, said company spokeswoman Julie Grey in Albuquerque.

With a capacity of up to 1,000 megawatts, the line would carry enough power to supply a city the size of Tucson. The New Mexico company would charge American companies to transport the electricity to Mexico through its line, Grey said.

Tucson Electric won approval this month from the Arizona Corporation Commission to build a 60-mile line from a substation near Sahuarita to the border at Nogales. The project will be complete by next year but still needs special approval from the U.S. Department of Energy to cross the border, company spokesman Art McDonald said.

Public records show that all of the companies participating in the trade mission made nominal donations to Hull's successful 1998 bid for reelection, with SRP donating the most at \$3,790.



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## Power Pique

*Governmental agencies and environmentalists disagree over the expansion of electric power lines.*

By Tim Vanderpool

As the energy wolves circle in Southern Arizona, their hunger to connect with Mexico's electricity grid—and mushrooming power market—has caused fur to fly between state and federal agencies and kept environmentalists priming their legal muskets.

In early January, Tucson Electric Power received Arizona Corporation Commission approval to run a 345,000-volt transmission line to a substation in the Sonoran burg of Santa Ana. The route would dissect remote and biologically sensitive areas of the Coronado National Forest southwest from Tucson and cross lovely Sycamore Canyon near the border.

But while TEP gloats over its success with state regulators, the terms of its triumph might prove the project's ultimate undoing.

One could say the seeds were sown last May in Nogales, during a public hearing before the ACC's Line Siting Committee. The committee evaluates environmental impacts of utility projects and then forwards its recommendations to corporation commissioners.

At the hearing, TEP officials stumbled through a flurry of questions from the committee and audience members. Residents grumbled over the utility's vague maps and about shoddy presentations by its hired environmental consultants.

Nogales hosted the meeting because TEP's transmission line would connect with that town's troubled electricity supplier, Citizens Energy Services. Citizens doesn't generate its own power for the city, but instead imports it along a single 55-mile, 115 kV line from the north. After years of lousy reliability, the utility is now under an ACC order to have at least one more 115 kV line in place by late 2003.

While TEP portrays itself as Nogales' savior, the massive lines it proposes far outstrip that city's needs; obviously, tapping Mexico's energy market is the big enchilada.

But the TEP/Citizens plum was apparently juicy enough for the ACC to bite in January. That hurdle behind it, Tucson Electric now faces federally mandated studies of how transmission lines might impact the Coronado Forest.

Given their druthers, TEP officials probably wouldn't have preferred the forest route, where they face rising opposition from environmentalists and additional government regulations. But if so, the company has only itself to blame for the results of a divide-and-conquer strategy that proved only too successful.

Initially, TEP offered three possible routes for the transmission lines. Two would stretch more or less along I-19, and a third—the so-called "Western Route"—slices through the Coronado's core.

The I-19 paths raised the specter of power lines snaking right above Green Valley and scarring vistas from Tubac to Amado. Not surprisingly, this notion sparked ferocious opposition by residents, many of whom conceded that the western route—through the forest and away from communities—might be the lesser evil.

Environmentalists felt otherwise, fearing permanent damage to the forest lands and harsh impacts upon wildlife living there.

However, friends of the forest still have an ace up their sleeve, says Brian Segee of the Center for Biological Diversity: Under the National Environmental Policy Act, or NEPA, projects on federal land require extensive analysis with regards to their ecological and archaeological impacts. Findings must then be submitted for public comment before a final document is released.

To meet these requirements, TEP was allowed to hire its own consultants (pre-approved by the U.S. Department of Energy) to create a draft version of the environmental impact statement. Segee predicts the company will "release the draft in the hottest part of the summer, when no one's around." Indeed, according to DOE officials, TEP is expected to release the impact statement in the steamy month of July.

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Few are more eager to have a peek at that draft than John McGee, supervisor of the Coronado Forest. According to a letter released by his office to the *Weekly*, McGee is already a little unhappy with the status quo—and a bit miffed with the ACC's January decision.

In the snippy February 19 letter to the commission, McGee asserts that "As Forest Supervisor ... it is my responsibility to document and disclose environmental effects of a proposed use ...

"It appears to me," McGee continues, "that the Commission's January 3, 2002 action is either premature and/or circumvents federal jurisdiction and my authority. I suggest we meet and discuss the situation."

It's not clear whether such meetings have taken place, and when asked to comment, Jerry Conner, the Coronado's point man on this project, said he preferred to "let the letter speak for itself."

But Heather Murphy, spokeswoman for the ACC, defended the commission's decision. "As I recall, the chairman's office sent a letter (to McGee) in response, because the Coronado Forest was notified as one of the land holders, and there was quite a bit of publicity," she says. "The gist (of McGee's letter) was that he wasn't in the loop. But there was information to the contrary, and he had been properly notified."

"Part of the letter intimated that the land was going to be run over without his participation or knowledge. But the utilities have to work with (Coronado) now that they have a routing."

That work could prove dicey, since all of TEP's bets are currently hedged on approval of its western route by the Coronado—and a disgruntled John McGee. When TEP spokesman Steve Lynn was contacted for comment on this situation, he abruptly hung up.

To Brian Segee, this conundrum reveals a broken regulatory system. The ACC decision "sidestepped a really contentious issue by putting it in the laps of the Forest Service," he says. "It's forcing them into a situation where they have one approved route by the state, and it happens to be the route through the most sensitive Forest Service lands."

"We think the process should be revised," he says, "so that the ACC is not making a decision on a route that involves federal lands until the federal agency has made a decision on those lands."

Either way, the timing of the Corporation Commission's decision was convenient. Only a few weeks later, TEP chief Jim Pignatelli and the company's government relations honcho, Larry Lucero, joined Gov. Jane Hull on a friendly junket down to Mexico. In those gracious climes, they glad-handed with high officials from the administration of President Vicente Fox in what one Hull aide calls just "a mission to expand trade opportunities."

"She's neither here nor in Mexico advocating any particular project," says James Ahlers, Hull's Special Assistant for Mexico Policy. "She's simply advocating an opening of the energy market."

Asked whether Hull might have directly or indirectly placed pressure on the Corporation Commission to approve the TEP route—and boost her own free-trade profile in Mexico—Ahlers is indignant. "I don't think it's her place to discuss this project with them," he says. "Obviously they're going to go through their normal regulatory procedures and make a decision."

But to Brian Segee, the timing raises a few questions. "With friends like that, it's hard for companies like TEP to go wrong," he says. "I think there are much larger forces (than the ACC) at work here, and I don't see the commission going out on any sort of political limb to thwart these binational proposals."

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## Why should customers pay for more electricity than is needed?

By Marshall Magruder

This is a copy of a letter I recently wrote to Lee Frankel, president, Fresh Produce Association of the Americas in Nogales, Ariz.:



Recently, I obtained a copy of your letter of 8 May 2001 from the TEP/Citizens Transmission Line Case 111 Record because I intervened in this case. I look forward to agreement about ways to obtain the best results for your members and Santa Cruz County (SCC) electricity consumers.

May I provide you information presented at the Arizona Corporation Commission (ACC) Power Plant and Transmission Line Siting Committee hearings since your letter.

You mentioned reliable electricity is essential. We agree with the ACC mandate for Citizens [Energy Services] to provide a second source of electricity. We agree our future needs are more than the present capabilities.

From testimony in the Record, Citizens would provide a new 115 kilovolt (kV) transmission line, rated at 100 megawatts (MW), from a proposed Nogales substation.

### Sufficient supply

All parties, Citizens, and ACC Staff, agreed 100

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MW would be sufficient for Citizens' consumers, at least for the next three decades. Citizens testified their 115 kV transmission line is being upgraded to 100 MW. This upgrade is almost complete; only seven miles to go.

With power from a new substation and upgraded line, Citizens would have two 100 MW electricity sources. An ACC staff electrical engineer testified this meets the mandate.

Another transmission line application by the Public Service Company of New Mexico (PNM), proposes nearly the same 115 kV line solution for Citizens, without the \$7.5 million required by the TEP proposal. The TEP and PNM proposals would bring electricity from Palo Verde (west of Phoenix) or even from Springerville (northeast Arizona), both over 200 miles away, to Nogales.

Citizens has agreed to purchase from TEP reserves for 100 MW on the new line. Citizens testified it hopes to resell their 100 MW obligation to others.

### Transportation costs

TEP testified their transportation costs now are \$2.23 per kW per month or monthly \$2,230 per MW. This would be at least \$1M more in annual fees Citizens would have to pass to its 13,500 customers, if not resold.

Citizens testified they intend to use the present line and, to avoid these charges, not to use the new TEP line, except, if necessary, during a line outage. Are there any customers in SCC who need an additional 100 MW? No.

### Why pay more?

We, as customers, want to avoid paying any unused transportation fees. Our monthly bills already include Citizens' transportation charges for their 115 kV line. Why pay a \$1M or more for a service used a few hours per year?

The ACC Staff "best business practice" recommends power plants have at least two connections from the plant. Staff testified a local power plant would require two 115 kV lines to Citizens, one to the Grand Avenue substation (identical to the TEP and PNM proposals) and a



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second line to a Citizens' substation in Rio Rico. This solution would provide increased reliability through this second redundant transmission line.

A local generation station requires no long transmission lines. Our electric power could be from a local substation, similar to that proposed by TEP.

Now, do we really need 345 kV transmission

Both TEP and PNM have proposed 345 kV lines to carry 500 to 1,000 MW, about 25 percent to 50 percent of TEP's service for Tucson.

This greatly exceeds the average of 25 to 40 MW used by Citizens. Our peak load has exceeded 50 MW only four times. Citizens testified its Nogales "peaking" plant is capable of generating an additional 50 MW.

This backup, usually "spins in reserve" during storms, could rapidly assume the load, if an outage occurs. When added to its 115 kV line capacity of 60 MW (before upgrade), Citizens now could have over 100 MW available, without any changes, for limited peak augmentation.

**Way too much**

Obviously, 500 MW to 1000 MW is way too much electricity for this county, city or anyone here. Citizens, therefore, may not have any resales in Santa Cruz County and thus could lose millions on this deal.

I am sure we both agree a second source is critical to ensure reliability and availability. The present 115 kV transmission line five-year average annual outage is 2.043 hours.

This would be reduced to about 1.7 seconds by an independent, redundant 115 kV line with same 2.043 outage rate as our present line.

I assume this will satisfy all your members' electrical reliability concerns. A 60-mile long 345 kV transmission line may be more reliable than the present line, and using it would reduce the 1.7 seconds, at high cost-to-benefit ratio.

Using good electrical practices, a local power plant, with multiple, redundant generation sets, should be able to guarantee 100 percent

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uninterruptible electricity. A local plant with two short 115 kV lines, each rated at 100 MW could provide Citizens up to 200 MW, plus another 100 MW being available on its upgraded 115 kV line.

Now, how much available power is enough for our city and county?

Any 345 kV line would add additional, unnecessary monthly expenses for all your members and Citizens customers.

These 345 kV lines are most disruptive to the visual integrity. The 345 kV towers are 120 to 140 feet high with 12 electric wires between them. A 115 kV line can use telephone pole H-frames or monopoles 65 feet high with three electric wires.

Do they help our tourism and real estate industries? The total cost estimate for TEP's 345 kV preferred solution is over \$72M. Citizens estimated about \$20M for a second 115 kV line. Who would pay this \$50M difference?

Tubac resident Marshall Magruder is retired Raytheon senior principal systems engineer. He served as a member of the Joint City County Power Line Commission.

Part 2 of his letter to Lee Frankel will be printed in next Wednesday's edition.

The opinions expressed above are the writer's own and do not necessarily reflect those of this newspaper.

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## Power Plants Sprouting at Border

### Energy: In Mexico, they can emit more pollution than in U.S. Backers tout chance to serve 2 nations.

By GARY POLAKOVIC  
Times Staff Writer

June 15 2002

The Mexican border, comparatively free of red tape and smog regulations, is becoming a magnet for U.S. power plants, which will be able to emit up to 10 times more pollution than is allowed under California law.

Sixteen big generating stations are under construction, being expanded or planned on both sides of the 1,500-mile-long border from California to Texas, with the majority of them in Mexico. Proponents of the trend see it as a natural response to favorable economic conditions—including cheap labor—as well as an opportunity to serve markets in the United States and Mexico.

Critics in Congress, air quality agencies and the environmental movement say companies are saving millions of dollars by evading stringent emissions controls that would apply if the plants were being built north of the border.

Some plants are being erected in sparsely populated areas. But in at least one location, south of Imperial County in Mexicali, about 1 million people—mostly poor Latinos—on both sides of the border could be exposed to plant emissions.

"Plants in Mexico are being proposed without any add-on controls. It's a convenient back door to put projects that are less palatable in the U.S.A.," said Bill Powers, a San Diego air quality consultant and spokesman for the Border Power Plant Working Group, which has filed a lawsuit to force more rigorous power plant cleanups along the border. Add-on controls capture or treat emissions before they leave plant smokestacks.

In a microcosm of global trade, Mexico's expanding power plant industry will burn natural gas arriving via pipeline from Canada and the United States or from bulk marine terminals receiving shipments from South America and Asia.

The electricity will flow into a grid to be used anywhere between Mexico City and the Pacific Northwest. Indeed, an increasing amount of power will be needed just along the border as it becomes home to more people and industries.

They certainly see heightened interest in projects along the border between Baja and California as investors look for ways to reach the California market and develop the northern reaches of Mexico. We're seeing a lot more energy generation across the border," said Jed Bailey, associate director for Latin America for Cambridge Energy Research associates, a research and consulting firm.

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"Construction costs are low in Mexico; at the border there is more availability of fuel than in the rest of the country; and a company can receive a permit in six to eight months. That is why they are building here," said Alberto Ramos Elorduy, deputy director of Mexico's Federal Electricity Commission.

Two power plants in particular—being built by U.S. companies near Mexicali, three miles south of the border—are drawing intense opposition. Massachusetts-based InterGen Energy Inc. is erecting its La Rosita plant, a 1,065-megawatt facility that will cost \$748 million and produce enough electricity for 1.5 million households. Nearby, Semptra Energy Resources is building Termoelectrica de Mexicali, a \$350-million plant.

Officials of the companies downplay air pollution concerns. They say the plants employ some clean technologies to reduce emissions and are a vast improvement over older coal-fired generators still in use in some places in the United States.

The U.S. Environmental Protection Agency acknowledges that the Semptra plant will perform nearly as cleanly as one built on U.S. soil. Both facilities will burn natural gas, the cleanest fossil fuel available, and Mexican authorities say they will be the least polluting in that country.

"We did not come to Mexicali to avoid U.S. regulations. When we are building something this close to the border, we wanted to make sure we were not going to have environmental impacts on the other side of the border," said John Foster, InterGen's senior vice president for Latin America.

Yet even the most advanced plants in Mexico do not meet the stringent pollution controls of the U.S. Clean Air Act. Unlike a new power plant built in the United States, those in Mexico are not required to "offset" their emissions. Offsets are pollution reductions a company pays for at nearby factories, businesses or power plants to more than compensate for the added emissions created by the new power plant.

The InterGen plant will use four turbines to generate electricity. Two units will produce power for Mexico and will have no add-on emissions control devices. The two that feed energy to the U.S. will be fitted with the devices. The two uncontrolled units will be allowed to emit about 10 times more nitrogen oxide than would be permitted if the plant were built in California, according to the EPA.

Even the two units with add-on controls will emit about twice as much smog-forming gas as a comparable California plant, the EPA estimates. Nitrogen oxides contribute to ozone and tiny particles that obscure the sky and have been linked to asthma, heart attacks and premature death.

"We are very concerned about the emissions," said Jack Broadbent, director of air programs for the EPA's southwest office. "We believe they will negatively impact air quality" in California's southeastern desert.

But the EPA's jurisdiction ends at the border. The Energy Department issued permits for cross-border electrical transmission lines but says it cannot regulate the design or operation of power plants in Mexico, although environmentalists have filed a lawsuit disputing that.

It just highlights the disconnect between those in the Bush administration who look at the environmental factors and those who are interested in promoting the business interests of energy companies," said Martin Wagner, director of national projects for the Oakland-based Earthjustice Legal Defense Fund.

Imperial County in California and neighboring Mexicali just across the border would probably bear the brunt of the pollution. Mexicali is a fast-growing city of 800,000.

A patchwork of farms and small towns spanning 580,000 acres, the Imperial Valley produces much of the nation's

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wintertime vegetables under a pall of some of the country's dirtiest air. The county violates national air quality standards for soot and smoke an average of one day in three, as well as occasionally exceeding limits for carbon monoxide and ozone. It is one of the poorest regions of the state, and about 85% of the population is Latino. Health officials say the incidence of respiratory disease there is twice the statewide average.

In a recent assessment, the EPA concluded that smoke and dust from various sources blowing across the border from Mexicali are primarily responsible for pollution violations in Imperial County. Indeed, the county would have met U.S. air quality standards eight years ago had pollution from Mexico been checked, according to the EPA.

The Imperial County Air Pollution Control District estimates that the InterGen plant alone will release about 4,000 tons of pollutants into the region annually, although company officials say the facility will not have a serious effect on California.

"We have some serious heartburn about the InterGen plant," said Steve Birdsall, air pollution control officer for Imperial County. "It's going to have a significant impact on the Imperial Valley."

Despite those concerns, expansion of energy resources in Mexico is a priority for the Bush administration and Mexico's leaders. It is precisely the sort of development envisioned when the North American Free Trade Agreement was approved to promote closer economic integration among Mexico, the United States and Canada.

The Mexican government has encouraged foreign companies to develop energy resources; the nation potentially faces blackouts nationwide by 2004 unless more power plants are built, analysts say. Regulators say the country needs about 40 mid-size plants in the next eight years.

Seizing the opportunity, a Spanish company has decided to build a 500-megawatt plant in Agua Prieta just south of the Arizona border town of Douglas; a French utility seeks to build two power plants near Matamoros a few miles south of Brownsville, Texas; and a Swiss-Swedish consortium is expanding a power plant near Ensenada, according to the Border Power Plant Working Group and Mexican authorities.

The national energy plan that President Bush unveiled last year calls for accelerating cross-border energy investment, improving electricity grids and expanding oil and gas pipelines.

Earlier this year, the Federal Energy Regulatory Commission approved construction of a 215-mile gas pipeline extension from Arizona to Tijuana to deliver the fuel from Canada and the United States to power plants along the border. The pipeline is expected to be completed this summer.

In December, Bush approved permits for cross-border power transmission lines to reach the controversial power plants in Baja. An Energy Department assessment concluded that the project will not significantly affect air quality along the border, but critics say the study was cursory and are calling for a more detailed review.

The Earthjustice Legal Defense Fund, Wild Earth Advocates and the Border Power Plant Working Group sued in March to block completion of the electricity transmission lines until a detailed study of power plant emissions is done.

In Congress, California lawmakers probably face an uphill fight to win passage of bills, introduced last week, to prohibit U.S.-produced natural gas from being used in power plants in Baja until the plants comply with California emissions standards. The legislation is sponsored by Democrats Dianne Feinstein and Barbara Boxer in the Senate and Republican Duncan Hunter of Alpine in the House.

"It is not unreasonable to ensure that companies making money in the California energy market meet strict environmental standards," Feinstein said. "This legislation will help ensure power plants along the border employ the

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best technology available to control pollution in Southern California and other border areas." "It is not unreasonable to ensure that companies making money in the California energy market meet strict environmental standards."

Sen. Dianne Feinstein,

on her bill aimed at forcing power plants in Baja California, such as this one going up near Mexicali, to meet California emissions rules

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GREEN VALLEY - Rare is the public hearing where ranchers, environmentalists and the world's largest maker of earth-moving equipment are on the same side. But when federal officials asked Thursday for comments on Tucson Electric Power's plan to run a power line from Sahuarita to Nogales, all they heard was criticism. At the first of four hearings in Southern Arizona, all 17 speakers attacked the \$75 million plan, which is meant to improve electric reliability in Santa Cruz County and let TEP sell and buy power in Mexico. Fast blackouts around Nogales prompted the Arizona Corporation Commission in 1999 to mandate the building of another link between the border city and the Western power grid. Because TEP wants to extend the line into Mexico, it also needs a "presidential permit" from the Department of Energy.

Nearly half of the 66-mile proposed route would run through the Coronado National Forest, where nearly 200 140-foot power poles, mostly slender "mono-poles," would be erected in the mountains west of Interstate 19. The Coronado must also bless the plan but has yet to weigh in.

The only speakers who didn't condemn the plan outright were from Caterpillar Inc., which has a 6,000-acre proving ground west of Green Valley that the power line would cross. Manager Matt Turner said he didn't oppose the route, but if it isn't detoured around the \$30 million facility, "it could seriously impact our business" and create safety risks.

TEP spokesman Joe Salkowski said opposition at the hearing didn't reflect that "there's plenty of people in Nogales who'd be happy to see this line built."

Salkowski said the project would also help Tucson because it could buy power from the south, while the environment in Mexico would benefit if the power line forestalled the building of generating plants there. Although none spoke at the first of two meetings Thursday, some area residents support the proposed route - the westernmost of three options - since it would be farther from their homes than the other two.

Many speakers, however, said no new power line is needed and that Santa Cruz County can be served in other ways. An official with the Maestros Group said her company could build a power plant in Nogales to improve reliability there, and she faulted federal officials for not considering that option.

Critics also said federal officials were too vague in their draft environmental study, which is expected to be finalized in three or four months.

Jim Webb of the Marley Cattle Co., one of Southern Arizona's largest working ranches, said he still can't tell where the line will go on the land, but it would surely attract more illegal border crossers.

"The disruption to our operation would be magnificent in its scope," he said.

TEP has promised to revegetate disturbed areas and close one mile of road for every one mile it builds. But members of the Sierra Club, the Audubon Society and the Sky Island Alliance said the power line would mar scenery and fragment wildlife habitat for the sake of TEP profits. "We'd like to preserve at least a little bit of America the beautiful," said Phil Gray of the Green Valley Hiking Club.

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\* Contact reporter Mitch Tobin at 573-4185 or  
mtobin@sazstarnet.com.

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Tucson Electric Power says its \$70 million project will improve the reliability of electrical service in Santa Cruz County. Past blackouts there and the area's dependence on a single transmission line prompted the Arizona Corporation Commission in 1999 to mandate construction of another link between Nogales and the Western power grid.

TEP also wants to extend the line another 60 miles south of the border so it can sell power to Mexico's national utility. To do that, it needs a special "presidential permit" from the U.S. Department of Energy.

Nearly 200 massive power poles and nearly half the proposed route would run through the Coronado National Forest. TEP says it will take pains to avoid an endangered cactus and to revegetate disturbed areas. The utility is backed up by a new federal study that concludes the power line will do little harm to Southern Arizona's environment, aside from degrading its aesthetics.

But critics argue that Nogales could be helped with a smaller power line, a different route or a new local power plant. They say TEP's proposal would spoil scenic vistas and slice across a vast roadless area.

"They couldn't have picked a worse place to put a power line," said David Hodges, executive director of the Tucson-based Sky Island Alliance. Since 1998, the group has devoted thousands of volunteer hours to surveying the rugged mountains west of I-19 and lobbying to make them a federal wilderness area.

If the Department of Energy approves the route, Hodges' group and the Center for Biological Diversity say they'll definitely go to court to block it.

The center has earned a national reputation for winning lawsuits against the federal government on behalf of 329 species.

It believes the TEP plan would violate rules that protect roadless areas on the Coronado, said Brian Segee, an attorney for the Tucson-based group. The center would also argue the power line would hurt Sycamore Canyon - a renowned birding area west of Nogales that is a candidate for protection under the 1968 Wild and Scenic Rivers Act.

TEP's plan calls for putting two high-voltage lines on a single set of towers that would rise 140 feet above the desert and run through the Coronado for 29.5 miles. The 345,000-volt lines could carry 500 megawatts - enough to serve about one-quarter of TEP's customers in Tucson during peak usage on summer afternoons.

The Nogales utility, Citizens Communications, has committed to buying 100 megawatts from TEP to meet electricity demands beyond the 65 megawatts currently used in Santa Cruz County. TEP would send the remaining 400 megawatts to Santa Ana, Sonora, although power plants in Mexico could also send electricity north to Tucson and other U.S. customers.

"It's a two-way street," TEP spokesman Joe Salkowski said. "The need for transmission reliability has been made all too clear in the past few weeks. This line will improve the transmission reliability in Tucson. We're at the bottom of the Western electrical grid, and all of our links come from the north."

Without a link to the U.S. power grid, Mexico might need to build a power plant that would "have its own environmental impacts," he said.

TEP and state regulators had considered three possible  
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routes, but last January the Arizona Corporation Commission approved the westernmost path and rejected the other two, both of which would have skirted Anado, Tubac and Tumacacori National Historical Park.

Many local residents were happy to see the power line shifted west, away from their homes.

"Putting the towers in that part of the county - where people don't live or spend any time to speak of - won't hurt the animals. It's really not an environmental threat," said Tubac resident Earl Wilson, 75.

But while the western route is preferable to some, that doesn't mean they agree with TEP's proposal overall.

"The problems we've had down here haven't been with transmission lines. It's been with the distribution network" that feeds energy into people's homes, said Wilson, a retired businessman who was appointed to air quality panels by former President Lyndon B. Johnson and the governor of Maryland.

"People down here are really upset because we'll end up paying for a transmission line we don't need. The answer is a local generating plant," he said.

It's true the Nogales area could get energy from a new power plant there, TEP's Salkowski said, but it would still need additional power lines run to the facility so it could send out surplus power. The extra electricity can't be stored, and it's far too costly for a power plant to keep lowering its output, he said.

Federal land agencies affected by the plan - including the U.S. Forest Service and the Bureau of Land Management - have yet to pick their preferred route, but will do so in the environmental study's final version.

The Coronado is waiting to weigh in until it sees the public's comments, spokeswoman Gail Aschenbrenner said.

The proposed route would entail about 429 poles or towers, including 191 on the Coronado and eight on BLM land. TEP would primarily use "mono-poles" that take up 25 square feet at their base. The familiar, lattice towers have a footprint of 3,600 square feet.

TEP would need to build about 20 miles of new, temporary roads, and it would temporarily disturb about 197 acres on the Coronado during construction, according to the environmental study. The project would permanently disturb 29 acres of the 1.8 million-acre national forest.

"Because the proposed project would be in an arid area, where vegetation recovers very slowly, disturbances due to construction could have long-term impacts," the study said. A government measure of "scenic integrity" would decrease on 18,511 acres on the Coronado, the study said.

TEP promises it will close and revegetate one mile of road for every new mile it builds.

Environmentalists, however, say closing a wildcat road in a heavily used part of the Coronado doesn't balance the building of a new road in a pristine area. "All roads are not created equal," Hodges said.

In building the power line, TEP would also expand its South Substation in Sahuarita by 1.3 acres and construct a new 18-acre Gateway Substation in an industrial park on the west side of Nogales.

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None of the proposed routes bisect any critical habitat the federal government has mapped for endangered species. But they do cross through areas occupied, either currently or historically, by seven to 10 species protected by the Endangered Species Act.

One such species - the endangered Pima pineapple cactus - is found along all three proposed routes. TEP says it will avoid the cacti and is offering to buy habitat elsewhere to help the plant.

Construction, expected to last 12 to 18 months, would create about 30 construction jobs and 31 other positions, according to the federal study.

In public meetings, some residents worried about the health effects of the power line's electromagnetic field. But the study found people in the nearest homes, schools and businesses would receive less exposure than they do from ordinary household appliances.

TEP says the federal government's delays in preparing the environmental study make it impossible to meet the Arizona Corporation Commission's Dec. 31, 2003, deadline for creating a backup power supply for Nogales. The panel is expected to decide next month whether to grant an extension, spokeswoman Heather Murphy said.

But while critics say Nogales' power supply isn't unreliable, Murphy said it's clear Nogales needs a new link to the Western power grid.

"If that existing line to Nogales goes out, customers in Nogales suffer," she said. "There will be a point at which Nogales and Santa Cruz County won't be able to grow anymore because they can't get a reliable source of energy for the future."

\* Contact reporter Mitch Tobin at 573-4185 or mtobin@azstarnet.com.

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### Power Charge

TEP's greed will have it slicing through Southern Arizona, one way or another.

By TIM VANDERPOOL

IN THIS OTHERWISE desolate place, a few things still spark universal disgust—inch-thick priests, battered kids, dying gulls flapping across an oily beach. And sneaky corporate lawyers plotting the screws to law public.

Which brings us into the world of Tucson Electric Power Co., more lovingly known as "The Energy People."

In their ball-bat drive to string 345-kilovolt power lines from Sahuarita to Nogales, The Energy People are pulling out all the stops. Sometimes, the means briefly dropping their ethical, carefully learned public image to reveal the profit-hungry beast snarling within.

It is our prerogative. It is not the loudly corporate suit who bought our ballbat's name. It is the many telephone voice that demands cash and threatens darkness.

Is this TEP in this venture to pursue but no less parasitic Arizona Energy Services, which currently provides the juice for Nogales and surrounding areas.

Citizens don't generate its own power for Nogales, but instead bring electricity along a single 110-kV, 154-mile line from the north. After years of lousy reliability, the utility is under an Arizona Corporation Commission order to have at least one more 115-kV line in place by late 2003. Enter TEP, who sees the sizzling opportunity to string a full strength, much more intrusive 345-kilovolt line down to the border, thereby making millions selling power to Mexico, and recouping Rick Warren's profits at the same time.

Helping Nogales is a big brownie point in win state approval. But everyone knows tapping into Mexico is the real plan.

TEP's preferred route would place power lines atop 150-foot

lowers running far to the west of Green Valley, down among the beautiful ridges and canyons of the Coronado National Forest, alongside the equally lovely Pajarito Wilderness.

The utility's second choice would not take roughly parallel to Interstate 19, and quite near Green Valley, Azusa and Tubac.

For TEP the competing routes are devilishly clever, giving the folks of Green Valley and Tubac understandably opposed to ugly power lines nearby.

At the same time, TEP has a big up on the Public Service Company of New Mexico, or PNM, which in the late '90s proposed stringing similar lines through the Sonoran-Pajarito area to Mexico. That proposal, now on hold,

requires the acquiescence of private land owners. Unlike TEP, the New Mexico company lacks an Arizona territory it's legally obligated to serve. This means PNM also lacks the power of eminent domain.

TEP does have that power, but apparently prefers bringing it to bear with the U.S. Forest Service. This strategy has gained new teeth under the anti-environment George W. Bush administration.

Which brings us back to lawyers. Among the first steps in such an undertaking are public hearings before the state's Power Plant and Transmission Line Siting Committee. That committee had two of three required meetings last week in Nogales. The third is scheduled for today in Phoenix.

The meetings are meant to gather public opinion, and evidence about environmental impacts of the project. They are conducted like a court of law, with testimony and questioning under oath.

That audience appears to oppose unanimously both of the proposed routes, mostly for the same reason: they would

Following these hearings, a majority of committee members will either reject the project, or grant approval in the form of a Certificate

of Environmental Compatibility. The recommendation is forwarded to the Corporation Commission, which then makes a final decision in this very high-stakes affair.

The resulting Super Model in Nogales was still mostly quiet when Larry Lucero wheeled his big black sport utility vehicle into the parking lot on a cool Monday morning.

As TEP's public relations point man for this project, it's Lucero's job to put the company's spin-machine in motion. Also lovingly tailored black suits and wire-rimmed glasses, the mismatched Lucero is a disquieting blend of Emiliano Zapata and a North Jersey clean-cut man.

His slicked-back hair, spokesman Bill Norman, takes a different approach. Although Norman likewise craves the company domain in a strapping, late-model sports machine today he's greeted up as an aging Howdy Doody in cowboy boots, jeans and a easily leader vest. But make no mistake—this is calculated mimicry. Norman will spend his time inconspicuously among an audience largely comprised of rural folk, ranchers and such.

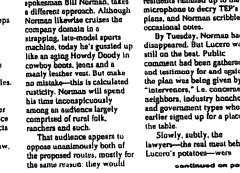
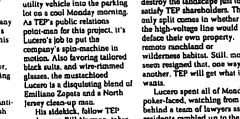
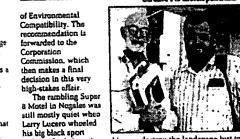
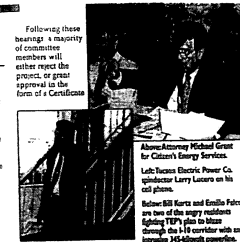
That audience appears to oppose unanimously both of the proposed routes, mostly for the same reason: they would

Lucero spent all of Monday's pre-hearing, watching from behind a team of lawyers as residents ramble up to the microphone to decry TEP's plans, and Norman scribbled occasional notes.

By Tuesday, Norman had disappeared. But Lucero was still on the beat. Public comments had been gathered, and testimony for and against the plan was being given by "anonymous." A concerned neighbors, industry honchos and government types who'd earlier signed up for a place at the table.

Slowly, subtly, the lawyers—the real meat behind Lucero's pretenses—were

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### TEP

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sharpen their swords. One of the microphone cables on table Lucero, a white-haired, non-assertive, T-bone, center who represents the route stringing practically through his back yard. To highlight his neighborhood's dismay, Lucero had displayed pictures of affected houses on an easel at the front of the room.

The display was being viewed into his record, as Lucero described the area and the people who live there.

Listening intently was Michael Grant, an attorney for Citizens. Finally, peering intently over reading glasses low on his nose, and in a resonant and somewhat sinister voice the kind that might, say, remind the disturbed to take their lithium, Grant began methodically dismantling Lucero's testimony.

Referring to a vague map TEP had displayed before the committee, Grant asked Lucero to point out exactly where the homes are situated. In regards to the proposed route along I-19.

He kept prodding the entire-by-rules a bit dully—to show that these homes weren't exactly right along the route, but only nearby. And back, since they're only in the area of

"I think I would object to the exhibit in terms of the way it was described."

Grant then told Lucero Woodall, an assistant Arizona Attorney General who chairs the siting committee, "since the houses are not on the

proposed alternate route."

"Is that the only basis of your objection?" Woodall asked, irritated.

That is true. Grant barely quailed when Woodall cut him off with a sharp "Overruled." The audience chuckled at the rebuke, and Lucero bowed his head.

Grant leaned back and staccato removed the meeting glasses.

TEP's hired legal gun, Ray Herman, stood his own hand at legal discretion following the testimony of Dr. Emilio Falco, a Whipple Chiropractic acupuncturist who's building a house near the I-19 route. Throughout the meeting, Falco, an official intervenor, had been quite articulate in skewering the project, saying he moved across the East Coast to Southern Arizona "just to get away from this sort of thing."

Throughout the hearings, TEP bulldozed its great efforts to party with affected residents. Falco fell otherwise, saying his own e-mail correspondence with Lucero ended abruptly, apparently when his opposition to the power lines became obvious.

Falco's remarks contradicted earlier TEP testimony that those correspondences had stopped for legal reasons, after Falco registered as an intervenor.

"I would like to point out that the last e-mail I received... was March 16," the intervenor said. "That preceded by a month my intervenor status." He paused. "Mr. Lucero did send me [another] e-mail. I think his last one was April 13. So that also precedes my status as an intervenor. I

think that reflects on how well TEP has actually communicated with the public."

He went on to ask if he had a copy of your notes, for a motion to intervene, which is dated April 12, 2003, to that effect.

"I believe that's correct," Falco replied.

"And you indicated that the last communication you had with Mr. Lucero was April 13?"

Brief silence. "Yes, I believe that is correct," Falco said, his voice falling.

"Thank you, no further questions," Herman said, obviously rather pleased with himself. Behind him, a fleeting smug flashed across Lucero's face.

Outside after the meeting, Falco was asked about the questionable April 13 e-mail.

"Actually, Larry Lucero only sent me the April 12 e-mail by mistake," Falco said. "It was supposed to go to Ed Beck, TEP's transmission planning supervisor."

"I can read it to you," he continued, whipping out a copy of the on-line note. "Mr. Lucero writes: This individual is not on the Santa Cruz County Energy Commission, as I thought previously. Please you responded to their questions."

Herman and Grant stood chatting in a far corner, as Falco carefully folded the e-mail and placed it in his bag. Grant lit up a cigarette and blew the smoke above Herman's head with a prolonged sigh.

Sure it's a dirty job. But hey, somebody's gotta do it. ☐

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